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OF THE

Forty-Eighth Legislature

OF THE

State of Montana

VOLUME I

MONTANA LEGISLATIVE COUNCIL
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**Held in Helena, the Seat of Government
Commencing in Regular Session January 3, 1983 and
Ending April 21, 1983**

Stan Stephens
President of the Senate

John W. Larson
Secretary of the Senate

Nikki Dye
Journal Clerk

Karen Jacobson
Asst. Journal Clerk

Carmen Hanson
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THE MONTANA LEGISLATIVE COUNCIL**

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SENATE JOURNAL

OF THE

Forty-Eighth Legislature

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State of Montana

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Commencing in Regular Session
January 3, 1983 and Ending April 21, 1983

Published by
The Montana Legislative Council
Room 138 State Capitol
Helena, Montana 59620

Diana S. Dowling
Executive Director

OFFICERS AND MEMBERS OF THE MONTANA SENATE 1983

50 Members

26 Republicans
24 Democrats

47 Men
3 Women

OFFICERS

President ..... Stan Stephens
President Pro Tempore ..... Allen C. Kolstad
Majority Floor Leader ..... Frank W. Hazelbaker
Majority Whip ..... Gary C. Aklestad
Minority Floor Leader ..... Chet Blaylock
Minority Whip ..... Pat Regan
Secretary of the Senate ..... John W. Larson

MEMBERS

NAME	RESIDENCE OR MAILING ADDRESS	DIST. NO.	COUNTY OF RESIDENCE	PARTY
Aklestad, Gary C.	Box 32, Galata 59444	6	Toole	Republican
Berg, Harry K.	3309 17th Ave. So., Great Falls, 59405	21	Cascade	Democrat
Blaylock, Chet	502 3rd Ave., Laurel 59044	35	Yellowstone	Democrat
Boylan, Paul F.	3747 So. 19th Rd., Bozeman 59715	38	Gallatin	Democrat
Brown, Bob	Route #2, Whitefish 59937	10	Flathead	Republican
Christiaens, B. F. Chris	210 36th St. No., Great Falls 59401	19	Cascade	Democrat
Conover, Max	Box 46, Broadview 59015	36	Yellowstone	Democrat
Crippen, Bruce D.	3015 Gregory Drive, Billings 59102	33	Yellowstone	Republican
Daniels, M. K.	Box 670, Deer Lodge 59722	14	Powell	Democrat
Dover, Harold L.	712 7th Ave. No., Lewistown 59457	24	Fergus	Republican
Eck, Dorothy	10 W. Garfield, Bozeman 59715	39	Gallatin	Democrat
Elliott, Roger H.	Box R, Columbia Falls 59912	8	Flathead	Republican
Etchart, Mark	Box 229, Glasgow 59230	2	Valley	Republican
Fuller, David (Spike)	1030 Sierra Rd. West, Helena 59601	15	Lewis & Clark	Democrat
Gage, Delwyn	Box 1027, Cut Bank 59427	7	Glacier	Republican
Galt, Jack E.	Martinsdale 59053	23	Meagher	Republican
Goodover, Pat M.	803 Forest Ave., Great Falls 59404	22	Cascade	Republican
Graham, Carroll	Drawer K, Lodge Grass 59050	29	Big Horn	Democrat
Haffey, Jack	709 W. 4th St., Anaconda 59711	45	Deer Lodge	Democrat
Hager, Tom	150 Norris Court, Billings 59105	30	Yellowstone	Republican
Halligan, Mike	540½ So. 2nd West, Missoula 59801	48	Missoula	Democrat
Hammond, H. W. "Swede"	Box 1366, Malta 59538	3	Phillips	Republican
Hazelbaker, Frank W.	Box 430, Dillon 59725	41	Beaverhead	Republican
Himsl, Matt	305 4th Ave. E., Kalispell 59901	9	Flathead	Republican
Jacobson, Judy H.	1400 W. Gold St., Butte 59701	42	Silver Bow	Democrat
Keating, Thomas F.	2003 Willowbrook Way, Billings 59102	32	Yellowstone	Republican
Kolstad, Allen C.	Box 648, Chester 59522	5	Liberty	Republican
Lane, Leo	Box 562, Three Forks 59752	40	Gallatin	Democrat
Lee, Gary P.	Box 6, Route 1, Fort Shaw 59443	17	Cascade	Republican
Lynch, John "J. D."	532 West Mercury, Butte 59701	44	Silver Bow	Democrat
Manning, Dave	Box 188, Hysham 59038	25	Treasure	Democrat
Manning, Richard E. "Dick"	810 7th Ave. No., Great Falls 59401	18	Cascade	Democrat
Marbut, A. Reed	8815 Pickerling Ln., Missoula 59802	49	Missoula	Republican
Mazurek, Joseph P.	516 Hayes, Helena 59601	16	Lewis & Clark	Democrat
McCallum, George	Niarada 59852	12	Sanders	Republican
Mohar, John	Star Route 1, Troy 59935	11	Lincoln	Democrat
Norman, Bill	440 Connell Ave., Missoula 59801	47	Missoula	Democrat
Ochsner, J. Donald	Broadus Route, Miles City 59301	26	Custer	Republican
Regan, Pat	204 Mountain View, Billings 59101	31	Yellowstone	Democrat
Severson, Elmer D.	Rt. 3, Box 480, Stevensville 59870	46	Ravalli	Republican
Shaw, James N.	Hodges Route, Wibaux 59353	28	Wibaux	Republican
Smith, Ed B.	Box 11, Dagmar 59219	1	Sheridan	Republican
Stephens, Stan	422 3rd Street, Havre 59501	4	Hill	Republican
Stimatz, Lawrence G.	1615 C Street, Butte 59701	43	Silver Bow	Democrat
Story, Pete	Box 355, Emigrant 59027	37	Park	Republican
Thomas, Bill	3440 12th Ave. So., Great Falls 59405	20	Cascade	Democrat
Towe, Thomas E.	2739 Gregory Dr. So., Billings 59102	34	Yellowstone	Democrat
Turnage, Jean A.	Box 450, Polson 59860	13	Lake	Republican
Tveit, Larry J.	Rt. 1, Box 117, Fairview 59221	27	Richland	Republican
Van Valkenburg, Fred	219 University, Missoula 59801	50	Missoula	Democrat

SENATE STANDING COMMITTEES

Agriculture, Livestock and Irrigation

M-W-F—1:00–3:00 p.m.—Room 415

Galt, Jack E., Chairman
Kolstad, Allen C., Vice-Chairman
Aklestad, Gary C.
Boylan, Paul F.
Conover, Max
Graham, Carroll
Lane, Leo
Lee, Gary P.
Ochsner, J. Donald
Council Staff: Anne Brodsky

Bills and Journal

On Call

Tveit, Larry J., Chairman
Crippen, Bruce D., Vice-Chairman
Halligan, Mike
Jacobson, Judy H.
Turnage, Jean A.

Business and Industry

Mon thru Fri—10:00–12:00 a.m.—Room 404

Kolstad, Allen C., Chairman
Lee, Gary P., Vice-Chairman
Boylan, Paul F.
Christiaens, B. F. Chris
Dover, Harold L.
Fuller, David (Spike)
Gage, Delwyn
Goodover, Pat M.
Regan, Pat
Severson, Elmer D.
Council Staff: Greg Petesch

Committee on Committees

On Call

Galt, Jack E., Chairman
Brown, Bob
Crippen, Bruce D.
Story, Pete
Turnage, Jean A.

Education and Cultural Resources

M-W-F—1:00–3:00 p.m.—Room 402

Brown, Bob, Chairman
Smith, Ed B., Vice-Chairman
Berg, Harry K.
Blaylock, Chet
Elliott, Roger H.
Gage, Delwyn
Haffey, Jack
Mazurek, Joseph P.
McCallum, George
Severson, Elmer D.
Council Staff: Lee Heiman

Finance and Claims

Mon thru Fri—8:00–11:30 a.m.—Room 108

Himsl, Matt, Chairman
Etchart, Mark, Vice-Chairman
Aklestad, Gary C.
Boylan, Paul F.
Dover, Harold L.
Haffey, Jack
Hammond, H. W. (Swede)
Jacobson, Judy H.
Keating, Thomas, F.
Lane, Leo
Ochsner, J. Donald
Regan, Pat
Smith, Ed B.
Stimatz, Lawrence G.
Story, Pete
Thomas, Bill
Tveit, Larry J.
Van Valkenburg, Fred
Staff: Judy Rippingale
Legislative Fiscal Analyst

APPROPRIATIONS—FINANCE AND CLAIMS
Joint Subcommittees

Education and Cultural Resources, Rm. 104

Representative Bengtson, Chairman
Representative Donaldson
Representative Ernst
Representative Peck
Senator Haffey
Senator Hammond
Senator Jacobson
Fiscal Analyst Staff: Curtis M. Nichols
Pamela D. Joehler
Bill Sykes

Human Services, Rm. 436

Representative Shontz, Chairman
Representative Menahan
Representative Winslow
Senator Story
Senator Aklestad
Senator Regan
Fiscal Analyst Staff: Norman Rostocki
Peggy Williams

Institutions, Rm. 108

Representative Waldron, Chairman
Representative Roush
Representative Thoft
Senator Etchart
Senator Ochsner
Senator Thomas
Fiscal Analyst Staff: Norman Rostocki
Peggy Williams
Scott E. Sim, Intern

Legislative, Judicial, Administrative, Rm. 437

Representative Quilici, Chairman
Representative Connelly
Representative Lory
Senator Dover
Senator Keating
Senator Stimatz
Senator Van Valkenburg
Fiscal Analyst Staff: Clifford D. Roessner
Leo W. O'Brien

Long Range Building

Representative Manuel, Chairman
Representative Bardanouve
Representative Donaldson
Representative Thoft
Representative Waldron
Senator Etchart, Vice-Chairman
Senator Haffey
Senator Thomas
Senator Himsl
Senator Ochsner
Fiscal Analyst Staff: Pam Jochler

Natural Resources and Business Regulation, Rm. 132

Representative Manuel, Chairman
Representative Hemstad
Representative Stobie
Senator Boylan
Senator Lane
Senator Smith
Fiscal Analyst Staff: Dick Gilbert

Fish and Game

T-Th-S—1:00–3:00 p.m.—Room 402

Smith, Ed B., Chairman
Severson, Elmer D., Vice-Chairman
Jacobson, Judy H.
Lane, Leo
Lee, Gary P.
Mohar, John
Tveit, Larry J.
Council Staff: Andrea Merrill

Highways and Transportation

T-Th-S—1:00–3:00 p.m.—Room 440

Etchart, Mark, Chairman
Hager, Tom, Vice-Chairman
Daniels, M. K.
Elliott, Roger H.
Graham, Carroll
Manning, Dave
Shaw, James N.
Stimatz, Lawrence G.
Tveit, Larry J.
Council Staff: Paul Verdon

Judiciary

Mon thru Fri—10:00–12:00 a.m.—Room 325

Turnage, Jean A., Chairman
Crippen, Bruce D., Vice-Chairman
Berg, Harry K.
Brown, Bob
Daniels, M. K.
Galt, Jack E.
Halligan, Mike
Hazelbaker, Frank W.
Mazurek, Joseph P.
Shaw, James N.
Council Staff: David Niss

Labor and Employment Relations

T-Th-S—1:00–3:00 p.m.—Room 404

Aklestad, Gary C., Chairman
Keating, Thomas F., Vice-Chairman
Blaylock, Chet
Gage, Delwyn
Galt, Jack E.
Goodover, Pat M.
Lynch, John "J. D."
Manning, Richard E. (Dick)
Council Staff: John MacMaster

Legislative Administration

On Call, Room 417

Kolstad, Allen C., Chairman
McCallum, George, Vice-Chairman
Graham, Carroll
Marbut, Reed
Mazurek, Joseph P.

Local Government

T-Th-S—1:00–3:00 p.m.—Room 405

McCallum, George, Chairman
Ochsner, J. Donald, Vice-Chairman
Conover, Max
Crippen, Bruce D.
Fuller, David (Spike)
Hammond, H. W. (Swede)
Marbut, Reed
Story, Pete
Thomas, Bill
Van Valkenburg, Fred
Council Staff: David Bohyer

Natural Resources

M-W-F—1:00–3:00 p.m.—Room 405

Dover, Harold L., Chairman
Etchart, Mark, Vice-Chairman
Eck, Dorothy
Halligan, Mike
Keating, Thomas F.
Lee, Gary P.
Manning, Dave
Mohar, John
Shaw, James N.
Story, Pete
Tveit, Larry J.
Van Valkenburg, Fred
EQC Staff: Howard E. Johnson

Public Health, Welfare, and Safety

M-W-F—1:00–3:00 p.m.—Room 440

Hager, Tom, Chairman
Marbut, Reed, Vice-Chairman
Christiaens, B. F. Chris
Himsl, Matt
Jacobson, Judy H.
Norman, Bill
Stephens, Stan
Council Staff: Woody Wright

Rules

On Call

Hazelbaker, Frank W., Chairman
Aklestad, Gary C., Vice-Chairman
Blaylock, Chet
Regan, Pat
Stephens, Stan
Towe, Thomas E.
Turnage, Jean A.

State Administration

Mon thru Fri—10:00–12:00 a.m.—Room 331

Story, Pete, Chairman
Hammond, H. W. (Swede), Vice-Chairman
Lee, Gary P.
Manning, Richard E. (Dick)
Marbut, Reed
Stimatz, Lawrence G.
Towe, Thomas E.
Tveit, Larry J.
Council Staff: Dave Cogley

Taxation

Mon thru Fri—8:00–10:00 a.m.—Room 415

Goodover, Pat M., Chairman
McCallum, George, Vice-Chairman
Brown, Bob
Crippen, Bruce D.
Eck, Dorothy
Elliott, Roger H.
Gage, Delwyn
Hager, Tom
Halligan, Mike
Lynch, John "J. D."
Mazurek, Joseph P.
Norman, Bill
Severson, Elmer D.
Towe, Thomas E.
Turnage, Jean A.
Council Staff. Cort Harrington

LEGISLATIVE COMMITTEES

Administrative Code Committee

Senate
Pete Story, Chr.
H. W. Hammond
Lawrence G. Stimatz
Bill Thomas

House
Fritz Daily, V.-Chr.
Les Kitselman
James M. Schultz
Gary Spaeth

Capitol Building and Planning Committee

Senate
Carroll Graham, Chr.
Chet Blaylock
Max Conover
Pat M. Goodover
J. Donald Ochsner
Pete Story

House
W. Jay Fabrega, V.-Chr.
Robert Dozier
Marian W. Hanson
Kerry Keyser
William Menahan
Jerald L. Metcalf

Environmental Quality Council

Senate
Mike Halligan, V.-Chr.
Dorothy Eck
James Shaw
Larry Tveit

House
Dennis Iverson, Chr.
Dave Brown
Hal Harper
Earl Lory

Public
Tad Dale
W. Leslie Pengelly
Frank Stock
Warren Harding

Legislative Audit Committee

Senate
Harold L. Dover, V.-Chr.
Matt Himsl
Judy Jacobson
J. D. Lynch

House
Kathleen McBride, Chr.
Toni Bergene
John Harp
Steve Waldron

Legislative Consumer Committee

Senate
Gary Lee, V.-Chr.
Paul Boylan

House
Joe Quilici, Chr.
Andrea Hemstad

Legislative Council

Senate
Allen C. Kolstad, V.-Chr.
Kermit Daniels
Pat Goodover
Carroll Graham

House
Rex Manuel, Chr.
Ralph Eudaily
Bob Marks
John Vincent

Legislative Finance Committee

Senate	House
Fred Van Valkenburg, Chr.	Gene Donaldson, V.-Chr.
Roger Elliott	Francis Bardanouve
Jack Haffey	Esther Bengtson
George McCallum	Ron Miller
Pat Regan	Ray Peck
Ed Smith	Cal Winslow

Revenue Oversight Committee

Senate	House
Bill Norman, V.-Chr.	Verner Bertelsen, Chr.
Bob Brown	Nancy Keenan
Bruce Crippen	Ken Nordtvedt
Joe Mazurek	Jack Ramirez
Thomas Towe	J. Melvin Williams
Jean Turnage	Dan Yardley

Coal Tax Oversight Subcommittee

Senate	House
Delwyn Gage	Glenn Roush
Chris Christiaens	Jack Sands

Select Committee on Indian Affairs

Senate	House
Dorothy Eck	Tom Asay
Delwyn Gage	Ramona Howe
Reed Marbut	Ray Jensen
Thomas Towe	Roland Kennerly

Power Plan Study Committee

Senate	House
Dave Fuller	Harrison Fagg
Delwyn Gage	Dan Harrington
Gary Lee	Mike Kadas
John Mohar	Carl Seifert

Western States Legislative Forestry Task Force

Senate	House
Leo Lane	Glenn Mueller
Elmer Severson	Bob Ream

HB 900 **Prison Expansion Oversight Committee**

Senate	House
Kermit Daniels	Bob Thoft
Mark Etchart	William Menahan

SENATE JOURNAL

OF THE

Forty-eighth Legislature

OF THE

State of Montana

FIRST LEGISLATIVE DAY

Helena, Montana
January 3, 1983

Senate Chambers
State Capitol

At twelve o'clock noon, the Senate of the Forty-eighth Legislature of the State of Montana was called to order with Senator Dave Manning presiding.

There being no objection, Senator Manning appointed the Reverend Keith Lokensgard of Helena as temporary Chaplain of the Senate, and Earl Moritz of Lewistown, Montana, as temporary Sergeant-at-Arms of the Senate.

With members of the Montana National Guard participating, the posting of the colors and the Pledge of Allegiance followed. Reverend Lokensgard gave the invocation.

Without objection, Senator Manning appointed John W. Larson of Helena, Montana, as temporary Secretary of the Senate.

At the direction of Senator Manning, the temporary Secretary called the roll of the newly elected and appointed Senators by district. The following Senators responded thereto:

District No. 4, Stan Stephens; District No. 5, Allen C. Kolstad; District No. 6, Gary C. Aklestad; District No. 7, Delwyn Gage; District No. 9, Matt Himsl; District No. 11, John Mohar; District No. 14, M. K. Daniels; District No. 15, David "Spike" Fuller; District No. 18, Richard E. "Dick" Manning; District No. 19, B. F. "Chris" Christiaens; District No. 22, Pat M. Goodover; District No. 23, Jack E. Galt; District No. 25, Dave Manning; District No. 28, James N. Shaw; District No. 31, Pat Regan; District No. 34, Thomas E. Towe; District No. 35, Chet Blaylock; District No. 36, Max Conover; District No. 37, Pete Story; District No. 38, Paul F. Boylan; District No. 40, Leo Lane; District No. 42, Judy H. Jacobson; District No. 44, John "J. D." Lynch; District No. 46, Elmer D. Severson; District No. 47, Bill Norman; District No. 48, Mike Halligan; District No. 49, A. Reed Marbut.

The Associate Justice of the Supreme Court, the Honorable Fred Weber, was admitted to the Senate Chamber and administered the following constitutional oath of office to the Senators-elect who subscribed to same:

"I do solemnly swear that I will support, protect and defend the Constitution of the United States and the Constitution of the State of Montana, and that I will discharge the duties of my office as Senator with fidelity. SO HELP ME GOD."

At the direction of Senator Manning, the temporary Secretary called the complete roll of the Senate. The following Senators responded thereto:

Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stephens, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.

All members were present. Senator Manning announced that the Senate of the Forty-eighth Legislature was duly organized and ready for business.

MOTIONS

Senator Hazelbaker moved that the rules of the Senate and the joint rules of the Senate and House of Representatives of the Forty-seventh Legislature be the temporary rules of the Forty-eighth Legislature. Motion carried unanimously.

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that Senator Stephens of District 4 be nominated for the office of the President of the Senate of the Forty-eighth Legislature and moved that his election carry with it the name of Senator Kolstad of District 5 for the office of President Pro Tempore.

Senator Jacobson moved that Senator Graham of District 29 be nominated for the office of the President of the Senate of the Forty-eighth Legislature and moved that his election carry with it the name of Senator Manning of District 25 for the office of President Pro Tempore.

Thereupon, the roll was called for the following nominations:

For Senator Stephens: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit.
Total 26

For Senator Graham: Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Stephens, Thomas, Towe, Van Valkenburg.
Total 24

Senator Manning announced the election of Senator Stephens as President of the Senate of the Forty-eighth Legislature, said nomination having received a majority of the votes cast, which election carried with it the election of Senator Kolstad as President Pro Tempore.

Senator Stephens then assumed the chair of the President of the Senate. He introduced his family and made other opening remarks.

Senator Kolstad nominated Senator Hazelbaker of District 41 for the office of Majority Floor Leader of the Senate of the Forty-eighth Legislature and nominated Senator Galt as Chairman of the Senate Committee on Committees along with the following members: Senator Turnage, Senator Brown, Senator Crippen, Senator Story, and Senator Aklestad of District 6 as Assistant Majority Leader.

Senator Berg nominated Senator Chet Blaylock of District 35 for the office of Majority Floor Leader of the Senate of the Forty-eighth Legislature.

Thereupon, the roll was called for the following nominations:

For Senator Hazelbaker: Aklestad, Blaylock, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Stephens, Story, Turnage, Tveit.
Total 26

For Senator Blaylock: Berg, Boylan, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Hazelbaker, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 24

The President announced the election of Senator Hazelbaker as Majority Floor Leader of the Senate of the Forty-eighth Legislature, said nomination having received a majority of the votes cast, which election carried with it the election of the other nominees named in the above motion of Senator Kolstad.

Senator Blaylock, having received a minority of the votes cast, was elected Minority Floor Leader.

ANNOUNCEMENTS

Secretary Larson read the following letter:

Dear Senator Kolstad:

I am transmitting to you my appointments for offices of Secretary of the Senate, Sergeant-at-Arms to the Senate, and Chaplain to the Senate, for your consideration and approval.

Secretary of the Senate - John W. Larson

Sergeant-at-Arms to the Senate - Earl Moritz

Chaplain to the Senate - Keith Lokensgard

MONTANA LEGISLATIVE COUNCIL
LIBRARY

Very truly yours,

Stan Stephens
President of the Senate

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):

Communication of the President dated January 3, 1983, wherein the names of:

JOHN W. LARSON, Helena, Montana, appointed as Secretary of the Senate for the Forty-eighth Legislature;

EARL MORITZ, Lewistown, Montana, appointed Sergeant-at-Arms, Forty-eighth Legislature;

KEITH LOKENSGARD, Helena, Montana, appointed as Senate Chaplain, Forty-eighth Legislature.

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

SPECIAL ORDERS OF THE DAY

Senator Kolstad submitted to the Senate for confirmation, pursuant to the President's appointment, John W. Larson, Helena, Montana, appointed Secretary of the Senate for the Forty-eighth Legislature; Earl Moritz, Lewistown, Montana, appointed Sergeant-at-Arms of the Senate Forty-eighth Legislature; and Keith Lokensgard, Helena, Montana, Chaplain to the Senate for the Forty-eighth Legislature.

Appointments confirmed unanimously.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Upon motion of Senator Hazelbaker, duly carried, the President was authorized to appoint a committee of three to notify his Excellency, the Governor, that the Senate was organized and ready for the transaction of business. The President appointed the following committee: Senator Turnage, Chairman, Senator Kolstad, and Senator D. Manning.

Upon motion of Senator Hazelbaker, duly carried, the President was authorized to appoint a committee of three to inform the Chief Justice and associate members of the Supreme Court that the Senate was organized and ready for the transaction of business and to invite the Chief Justice and the associate members of the Supreme Court to attend a joint session of the Senate and the House of Representatives at a time to be designated. Motion carried unanimously. The President appointed Senator Smith, Chairman, Senator McCallum, and Senator Blaylock.

Upon motion of Senator Stephens, duly carried, the President was authorized to appoint a committee of three to inform the House of Representatives that the Senate was organized and ready for the transaction of business. The President appointed the following committee: Senator Story, Chairman, Senator Himsl, and Senator Norman.

Senator Hazelbaker moved that the Senate stand in recess subject to the call of the Chair to await the reports of the select committees. Motion carried unanimously.

Senate recessed at 12:31 p.m.

Senate resumed at 12:41 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 5.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

At this time, the Sergeant-at-Arms announced that the committee from the Honorable House of Representatives was waiting at the door. Representative Holliday reported to the Senate that the Montana State House of Representatives had opened the Forty-eighth Legislative Session and was ready to conduct business.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

The committee of three appointed to notify the Governor that the Senate was organized and ready for business returned. Senator Turnage reported that the message had been delivered and that the Governor had extended his best wishes, advised that his door was always open, and pledged cooperation to the Senate.

President Stephens announced at 12:43 p.m. that the Senate would stand at ease to await the return of other committees.

Senate resumed at 12:44 p.m.

Senator Story of the committee of three to notify the House of Representatives that the Senate was duly organized and ready for business made its report. The message was acknowledged, and the committee was dismissed.

Senate recessed at 12:50 p.m. to await the return of the committee of three appointed to notify the Supreme Court.

Senate resumed at 12:51 p.m.

Senator Smith of the committee of three to notify the Chief Justice and associate members of the Supreme Court that the Senate was duly organized and ready for business returned and reported that the message had been left with Justice Shea, who said he would relay it to the Chief Justice.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully report as follows:

That the following attaches of the Senate be employed as of 8:00 a.m. on Monday, January 3, 1983:

Jean Fallan.....Assistant Secretary of the Senate
Harriet Celar.....Secy. to Secretary of Senate
Mel McKay .....Secy. to Asst. Secretary of Senate
Barb Lester .....Chief Bills Clerk
Jean McLane .....Asst. Bills Clerk
Nikki Dye.....Chief Journal Clerk
Karen Jacobson.....Asst. Journal Clerk
Clifford Crismore.....Amendments Coordinator
Reed Wolstein.....Bills Coordinator
Diane Etchart.....Asst. Bills Coordinator

Cort Harrington.....Bills Distributing Clerk
Joe Moorse.....Asst. Bills Distributor
Jo Ann Wunderlich.....Status Technician
Ed Smith.....Aide to Minority Leader
Jim Felt.....Aide to President of Senate
Barbara Simic.....Secretary to President of Senate
Mildred Weber.....Secretary to Majority Leader
Bobbie Murphy.....Secretary to Minority Leader
Craig Seminoff.....Asst. Amendments Coordinator
Laura Holden.....Reading Clerk
Ralph Erving.....Asst. Sgt.-at-Arms
Lowell Purdy.....Asst. Sgt.-at-Arms
Don Valiton.....Asst. Sgt.-at-Arms
Maurice Ullom.....Asst. Sgt.-at-Arms
Alex Stephenson.....Asst. Sgt.-at-Arms
Bob White.....Asst. Sgt.-at-Arms
Mary E. (Betty) Jakovac.....Chief Steno & Comm. Secy.
Elaine Rung.....Asst. Chief Steno & Comm. Secy.
Sylvia Kinsey.....Comm. Secy.
Vicki Nordtvedt.....Comm. Secy.
Barb Effing.....Comm. Secy.
Agnes Hamilton.....Comm. Secy.
Rita Tenneson.....Comm. Secy.
Leona Williams.....Comm. Secy.
Marjorie Nichols.....Comm. Secy.
Jill Rohyans.....Comm. Secy.
Louise Sullivan.....Comm. Secy.
Carol Fraiser.....Comm. Secy.
Pat Hatfield.....Comm. Secy.
Elaine Graveley.....Comm. Secy.
Erminia Fancher.....Comm. Secy.
Beverly Braut.....Comm. Secy.
Louise Fulbright.....Comm. Secy.
Carrie Christian.....Comm. Secy.
Lita Buck.....Steno
Monida Vaughn.....Senate Business Manager
Betty Paulsen.....Proofreader
Kenneth Davis.....Page
Robert Heath.....Page
Robin Wampler.....Page
Renee Dover.....Page
Janelle Iverson.....Page
Leah Johnson.....Page
Jenny Osborne.....Page

Report adopted.

MOTIONS

Senator Hazelbaker moved that the accredited members of the press, radio, and television be granted the privilege of the Senate floor subject to the rules. Motion carried unanimously.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 1, introduced by Mazurek, (By Request of the Joint Subcommittee on Judiciary). Referred to Committee on Judiciary.

SB 2, introduced by Aklestad, (By Request of the Joint Subcommittee on Judiciary). Referred to Committee on Judiciary.
SB 3, introduced by Mazurek, (By Request of the Joint Subcommittee on Judiciary). Referred to Committee on Judiciary.
SB 4, introduced by Mazurek, (By Request of the Joint Subcommittee on Judiciary). Referred to Committee on Judiciary.
SB 5, introduced by Mazurek, (By Request of the Joint Subcommittee on Judiciary). Referred to Committee on Judiciary.
SB 6, introduced by Elliott, Tveit, Stimatz, Waldron, Harp, (By Request of the Joint Subcommittee on Highways). Referred to Committee on Finance and Claims.
SB 7, introduced by Aklestad, (By Request of the Joint Subcommittee on Judiciary). Referred to Committee on Judiciary.
SB 8, introduced by Stimatz, Pistoria, Lynch, (By Request of the Joint Subcommittee on Highways). Referred to Committee on Finance and Claims.
SB 9, introduced by Kolstad, Curtiss, (By Request of the Joint Subcommittee on Judiciary). Referred to Committee on Judiciary.
SB 10, introduced by Lynch, Pistoria, Elliott, Tveit, Stimatz, Harp, Waldron, (By Request of the Joint Subcommittee on Highways). Referred to Committee on Highways and Transportation.
SB 11, introduced by Smith. Referred to Committee on Business and Industry.
SB 12, introduced by Jacobson. Referred to Committee on Public Health, Welfare and Safety.
SB 13, introduced by Mazurek. Referred to Committee on Finance and Claims.
SB 14, introduced by Mazurek, (By Request of the Code Commissioner). Referred to Committee on Judiciary.
SB 15, introduced by Mazurek, (By Request of the Code Commissioner). Referred to Committee on Judiciary.
SB 16, introduced by Turnage. Referred to Committee on State Administration.
SB 17, introduced by Stimatz, Harp, Elliott, Pistoria, Lynch, Tveit, (By Request of the Joint Subcommittee on Highways). Referred to Committee on Finance and Claims.
SB 18, introduced by Lynch. Referred to Committee on Local Government.
SB 19, introduced by Kolstad, Curtiss, (By Request of the Joint Subcommittee on Judiciary). Referred to Committee on Finance and Claims.
SB 20, introduced by Goodover, (By Request of the Legislative Council). Referred to Committee on Legislative Administration.
SB 21, introduced by Halligan. Referred to Committee on Taxation.
SB 22, introduced by Jacobson. Referred to Committee on Judiciary.
SB 23, introduced by Hager. Referred to Committee on Judiciary.
SB 24, introduced by Kolstad, Curtiss, (By Request of the Joint Subcommittee on Judiciary). Referred to Committee on Finance and Claims.
SB 25, introduced by Aklestad, (By Request of the Joint Subcommittee on Judiciary). Referred to Committee on Judiciary.
SB 26, introduced by Mazurek, Curtiss, (By Request of the Joint Subcommittee on Judiciary). Referred to Committee on Judiciary.
SB 27, introduced by Hager. Referred to Committee on Public Health, Welfare and Safety.
SB 28, introduced by Berg. Referred to Committee on State Administration.

SB 29, introduced by Dover. Referred to Committee on State Administration.
SB 30, introduced by Hager. Referred to Committee on Judiciary.
SB 31, introduced by Hager. Referred to Committee on Public Health, Welfare and Safety.
SB 32, introduced by Hager. Referred to Committee on Public Health, Welfare and Safety.
SB 33, introduced by Hammond, (By Request of the Administrative Code Committee). Referred to Committee on State Administration.
SB 34, introduced by Aklestad. Referred to Committee on Labor and Employment Relations.
SB 35, introduced by Conover. Referred to Committee on Education and Cultural Resources.
SB 36, introduced by Himsl. Referred to Committee on Taxation.
SB 37, introduced by Hager. Referred to Committee on Judiciary.
SB 38, introduced by Ochsner. Referred to Committee on Agriculture, Livestock and Irrigation.
SB 39, introduced by Halligan. Referred to Committee on Judiciary.
SB 40, introduced by Story, (By Request of the Administrative Code Committee). Referred to Committee on State Administration.
SB 41, introduced by Hager. Referred to Committee on Agriculture, Livestock and Irrigation.
SB 42, introduced by Berg. Referred to Committee on Taxation.
SB 43, introduced by Blaylock. Referred to Committee on Education and Cultural Resources.
SB 44, introduced by Himsl. Referred to Committee on Finance and Claims.
SB 45, introduced by Stimatz, (By Request of the Administrative Code Committee). Referred to Committee on State Administration.
SB 46, introduced by Mazurek, (By Request of the Legislative Council). Referred to Committee on Legislative Administration.
SB 47, introduced by Jacobson. Referred to Committee on Fish and Game.
SB 48, introduced by Towe. Referred to Committee on State Administration.
SB 49, introduced by Shaw. Referred to Committee on State Administration.
SB 50, introduced by McCallum. Referred to Committee on Taxation.
SB 51, introduced by McCallum, (By Request of the Joint Subcommittee on Business). Referred to Committee on Agriculture, Livestock and Irrigation.
SB 52, introduced by Mazurek. Referred to Committee on Judiciary.
SB 53, introduced by Galt, (By Request of the Revenue Oversight Committee). Referred to Committee on Business and Industry.
SB 54, introduced by Galt, (By Request of the Revenue Oversight Committee). Referred to Committee on Business and Industry.
SR 1, introduced by Hazelbaker. Referred to Committee on Rules.
SJR 1, introduced by Hazelbaker. Referred to Committee on Rules.
SJR 2, introduced by Aklestad, (By Request of the Joint Subcommittee on Judiciary). Referred to Committee on Judiciary.
SJR 3, introduced by Himsl. Referred to Committee on State Administration.
SJR 4, introduced by Turnage. Referred to Committee on State Administration.
SJR 5, introduced by Thomas, (By Request of the Administrative Code Committee). Referred to Committee on Rules.
SJR 6, introduced by Mazurek. Referred to Committee on State Administration.

SPECIAL ORDERS OF THE DAY

President Stephens introduced and welcomed the nine new Senators.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 1:01 p.m. until Tuesday, January 4, at the hour of 1:30 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SECOND LEGISLATIVE DAY

Helena, Montana
January 4, 1983

Senate Chambers
State Capitol

Senate convened at 1:28 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except D. Manning, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the first legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

COMMITTEES (Galt, Chairman):
Respectfully report and recommend the following committee appointments, times, dates and room numbers:

AGRICULTURE, LIVESTOCK AND IRRIGATION - M W F - 1:00 p.m. - 3:00 p.m. - Room 415

Jack Galt, Chairman (R)
Allen Kolstad, Vice-Chairman (R)
Gary Aklestad (R)
Gary Lee (R)
Donald Ochsner (R)
Paul Boylan (D)
Max Conover (D)
Carroll Graham (D)
Leo Lane (D)

BILLS AND JOURNAL - on call

Larry Tveit, Chairman (R)
Bruce Crippen, Vice-Chairman (R)
Jean Turnage (R)
Mike Halligan (D)
Judy Jacobson (D)

BUSINESS AND INDUSTRY - M W F - 10:00 a.m. - 12:00 noon - Room 404

Allen Kolstad, Chairman (R)
Gary Lee, Vice-Chairman (R)
Harold Dover (R)
Delwyn Gage (R)
Elmer Severson (R)
Pat Goodover (R)
Paul Boylan (D)
Chris Christiaens (D)
David Fuller (D)
Pat Regan (D)

COMMITTEE ON COMMITTEES - on call

Jack Galt, Chairman (R)
Jean Turnage (R)
Bob Brown (R)

Bruce Crippen (R)
Pete Story (R)

EDUCATION AND CULTURAL RESOURCES - M W F - 1:00 p.m. - 3:00 p.m. - Room 402

Bob Brown, Chairman (R)
Ed Smith, Vice-Chairman (R)
Roger Elliott (R)
Delwyn Gage (R)
George McCallum (R)
Elmer Severson (R)
Harry Berg (D)
Chet Blaylock (D)
Jack Haffey (D)
Joseph Mazurek (D)

FINANCE AND CLAIMS - M T W Th F - 8:00 a.m. - 12:00 noon - Room 104

Matt Himsl, Chairman (R)
Mark Etchart, Vice-Chairman (R)
Gary Aklestad (R)
Harold Dover (R)
H. W. Hammond (R)
Tom Keating (R)
Donald Ochsner (R)
Pete Story (R)
Ed Smith (R)
Larry Tveit (R)
Paul Boylan (D)
Jack Haffey (D)
Judy Jacobson (D)
Leo Lane (D)
Pat Regan (D)
Lawrence Stimatz (D)
Bill Thomas (D)
Fred Van Valkenburg (D)

FISH AND GAME - T Th S - 1:00 p.m. - 3:00 p.m. - Room 402

Ed Smith, Chairman (R)
Elmer Severson, Vice-Chairman (R)
Gary Lee (R)
Larry Tveit (R)
Leo Lane (D)
John Mohar (D)
Judy Jacobson (D)

HIGHWAYS AND TRANSPORTATION - T Th S - 1:00 p.m. - 3:00 p.m. - Room 410

Mark Etchart, Chairman (R)
Tom Hager, Vice-Chairman (R)
Roger Elliott (R)
James Shaw (R)
Larry Tveit (R)
Carroll Graham (D)
D. Manning (D)
Lawrence Stimatz (D)
M. K. Daniels (D)

JUDICIARY - M T W Th F - 10:00 a.m. - 12:00 noon

Jean Turnage, Chairman (R)
Bruce Crippen, Vice-Chairman (R)
Bob Brown (R)
Frank Hazelbaker (R)
Jack Galt (R)
James Shaw (R)
Harry Berg (D)
M. K. Daniels (D)
Mike Halligan (D)
Joseph Mazurek (D)

LABOR AND EMPLOYMENT RELATIONS - T Th S - 1:00 p.m. - 3:00 p.m. - Room 404

Gary Aklestad, Chairman (R)
Tom Keating, Vice-Chairman (R)
Pat Goodover (R)
Delwyn Gage (R)
Jack Galt (R)
Chet Blaylock (D)
John Lynch (D)
R. Manning (D)

LEGISLATIVE ADMINISTRATION - on call

Allen Kolstad, Chairman (R)
George McCallum, Vice-Chairman (R)
A. Reed Marbut (R)
Carroll Graham (D)
Joseph Mazurek (D)

LOCAL GOVERNMENT - T Th S - 1:00 p.m. - 3:00 p.m. - Room 405

George McCallum, Chairman (R)
Donald Ochsner, Vice-Chairman (R)
Bruce Crippen (R)
H. W. Hammond (R)
A. Reed Marbut (R)
Pete Story (R)
Max Conover (D)
Paul Boylan (D)
David Fuller (D)
Bill Thomas (D)
Fred Van Valkenburg (D)

NATURAL RESOURCES - M W F - 1:00 p.m. - 3:00 p.m. - Room 405

Harold Dover, Chairman (R)
Mark Etchart, Vice-Chairman (R)
Tom Keating (R)
Gary Lee (R)
James Shaw (R)
Larry Tveit (R)
Pete Story (R)
Dorothy Eck (D)
Mike Halligan (D)
D. Manning (D)
John Mohar (D)
Fred Van Valkenburg (D)

PUBLIC HEALTH, WELFARE AND SAFETY - M W F - 1:00 p.m. - 3:00 p.m. - Room 410

Tom Hager, Chairman (R)
A. Reed Marbut, Vice-Chairman (R)
Matt Himsl (R)
Stan Stephens (R)
Chris Christiaens (D)
Judy Jacobson (D)
Bill Norman (D)

RULES - on call

Frank Hazelbaker, Chairman (R)
Gary Aklestad, Vice-Chairman (R)
Stan Stephens (R)
Jean Turnage (R)
Chet Blaylock (D)
Pat Regan (D)
Thomas Towe (D)

STATE ADMINISTRATION - M T W Th F - 10:00 a.m. - 12:00 noon

Pete Story, Chairman (R)
H. W. Hammond, Vice-Chairman (R)
A. Reed Marbut (R)
Larry Tveit (R)
R. Manning (D)
Lawrence Stimatz (D)
Thomas Towe (D)

TAXATION - M T W Th F - 8:00 a.m. - 10:00 a.m. - Room 415

Pat Goodover, Chairman (R)
George McCallum, Vice-Chairman (R)
Bob Brown (R)
Bruce Crippen (R)
Roger Elliott (R)
Delwyn Gage (R)
Jean Turnage (R)
Elmer Severson (R)
Tom Hager (R)
Dorothy Eck (D)
Mike Halligan (D)
John Lynch (D)
Joseph Mazurek (D)
Bill Norman (D)
Thomas Towe (D)

Do pass. Report adopted.

JUDICIARY (Turnage, Chairman):
SB 14, do pass. Report adopted.
SB 15, do pass. Report adopted.

MOTIONS

Senator Galt moved that SB 41 be taken from the Committee on Agriculture, Livestock and Irrigation and moved to the Committee on Judiciary. Motion carried unanimously.

SPECIAL ORDERS OF THE DAY

Eula Mae Turnage, wife of Senator Jean Turnage, presented a Montana flag to the Senate as a gift from the Legislative Wives Club.

At the request of Senator Jacobson, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Jacobson moved that SB 22 be taken from the Committee on Judiciary and moved to the Committee on Public Health, Welfare and Safety. Motion carried unanimously.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 1:45 p.m. until Wednesday, January 5, 1983, at the hour of 1:15 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRD LEGISLATIVE DAY

Helena, Montana
January 5, 1983

Senate Chambers
State Capitol

Senate convened at 1:16 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Goodover, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the second legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 14, SB 15.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
SB 46, do pass. Report adopted.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committee:

SB 55, introduced by Hager. Referred to Committee on Highways and Transportation.
SB 56, introduced by Hager, (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Public Health, Welfare and Safety.
SB 57, introduced by Story. Referred to Committee on Education and Cultural Resources.
SB 58, introduced by Story. Referred to Committee on State Administration.
SB 59, introduced by McCallum, (By Request of the Joint Subcommittee on Business). Referred to Committee on Agriculture, Livestock and Irrigation.
SB 60, introduced by Conover. Referred to Committee on Agriculture, Livestock and Irrigation.
SB 61, introduced by Norman. Referred to Committee on Public Health, Welfare and Safety.

At the request of Senator Hazelbaker, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Hazelbaker moved that the President be empowered to appoint a committee of three to notify the House of Representatives that the Senate was ready to meet in joint session. Motion carried unanimously.

President Stephens appointed Senator Aklestad, Chairman, Senator Gage, and Senator Regan. The committee was then dismissed to notify the House of Representatives that the Senate was ready to meet in joint session.

Senator Hazelbaker moved that the Senate stand in recess subject to the call of the Chair. Motion carried unanimously.

Senate recessed at 1:21 p.m.

Senate resumed at 1:22 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 5.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Representative Bengtson and her committee from the House of Representatives informed the Senate that the House awaited its presence to hear the Reapportionment Commission.

President Stephens advised that the Senate accepted and would be there shortly.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

The Sergeant-at-Arms announced the committee of three to notify the House of Representatives that the Senate was ready to meet was at the door. Senator Aklestad reported they had informed the House that the Senate would enjoy being in session with the House. Senator Aklestad also reported the House was ready to receive the Senate.

MOTIONS

Senator Hazelbaker moved that the Senate recess and proceed to the House of Representatives for the purpose of receiving the Reapportionment Plan and Reapportionment Commission. Motion carried unanimously.

Senate recessed at 1:26 p.m.

Joint session convened at 1:30 p.m.

JOINT SESSION - REAPPORTIONMENT COMMISSION

Senator Hazelbaker moved that the body resolve itself into a joint session for the purpose of receiving the Reapportionment Plan from the Reapportionment Commission. Motion carried unanimously.

Senator Hazelbaker moved that the roll of the joint session be dispensed with. Motion carried unanimously.

Senator Hazelbaker moved that the joint session resolve itself into the Committee of the Whole for the purpose of the hearing. Motion carried unanimously.

PRESIDENT STEPHENS: Ladies and Gentlemen of the House and Senate and Distinguished Guests and Members of the Reapportionment Commission:

Before introducing the members of the Commission, we would like to explain to the members of the Legislature that this joint session today is an informal hearing only on the Reapportionment Plan. The format of this afternoon session will be a presentation by the Reapportionment Commission and the staff. At the conclusion of their official presentation, we will entertain questions to members of the Commission and Anne Brodsky by any member of the Legislature. We ask that you limit your questions to the scope of general in nature. We will not, today, entertain any questions regarding the specific parameters of the districts or the individual concerns of a particular legislator. You will have ample opportunity to address those

issues and air your feelings at subsequent hearings in the House and the Senate. That's when we get down to the nitty gritty of the specifics. Today, we ask that we keep to the general scope of the overall reapportionment process.

I am sure that Speaker Kemmis has informed you that in Room 316 we have a staff room that contains all the reapportionment maps which are the product of this Reapportionment Committee's endeavor. They are there along with Anne Brodsky, the staff researcher, to answer any questions and explain anything you may wish to know that you now have under consideration. It may well serve you to just ask questions about your own area so that you are fully informed and better able to express your opinions.

I will now introduce the members of the Commission. The two Democratic members are JoAnn Woodgerd, Stevensville, Jim Pasma, Havre, Mrs. Jack Galt, Helena, and John Poore, Havre. These are the four members. The Chairman of the Commission is unable to be here, Mr. Eugene Mahoney, Thompson Falls.

The purpose of the presentation is to present the project to the Legislature. JoAnn Woodgerd will begin the presentation.

COMMISSIONER WOODGERD: I have a statement that Chairman Mahoney dictated to the Legislative Council which reads as follows:

Mr. President, Mr. Speaker, Members of the 48th Legislative Assembly. This is the time and place set for the formal presentation of the Commission's plan for redistricting the congressional districts and the Montana House of Representatives and Montana Senate to the Montana Legislature convened in regular session as required by the Montana Constitution. Before doing this I would like to briefly discuss the method of appointment and the constitutional criteria under which we must operate.

The Commission is composed of five persons, two appointed by the majority leadership and two by the minority leadership. The four so appointed were to select the fifth member who is automatically the chairman. In the event the four cannot agree then it becomes the duty of the Supreme Court to appoint the fifth member. I was appointed by the Supreme Court. Two of the original commissioners are no longer with us. Marj Bell is now deceased and Nancy Aageness married and moved to New Zealand.

The present Commissioners are as follows: Louise Galt, Helena, Montana, JoAnn Woodgerd, Stevensville, Montana, Jim Pasma and John Kuhr both from Havre, Montana. I am from Thompson Falls, Montana. In forming legislative districts the Commission must adhere to the state's constitutional requirements of population equality, compactness, and contiguity. The ideal house district population is 7,867, the state's population divided by 100. The Commission is attempting to create districts that will deviate from that ideal by no more or less than 5 percent, thus the acceptable population range is 7,473 to 8,260. The Commission uses 1980 census data as its population base. The other criteria adopted by the Commission for forming districts are: the consideration of geographic boundaries such as the continental divide or major rivers; government boundaries, such as Indian reservations, county, city, legislative, and precinct lines; and communities of interest, such as trade areas, communication networks, etc.

The Commission adopted Plan C for the congressional districts, which to date has met with complete approval of everyone, including the political parties, the two congressmen and the people in the districts involved. The overall range expressed in absolute and relative terms is 94 or .02 percent.

The senatorial districts presented some problems particularly in western Montana and the Commission asked for recommendations and suggestions on these. I am very sorry I am unable to be present but it appears that my trip to Helena has been jinxed from the very beginning. I started out from Tucson last evening. My flight was 1 ½ hours late into Salt Lake and therefore missed connections into Helena. The plane that was to arrive in Helena at 12:40 had problems and will not leave Salt Lake until 2:10. I wish to assure the members of the legislature and its respective committees that I will try to make myself available for any future meetings if they so desire. One of the commission members will make the formal presentation to you. Thank you very much.

Jim Pasma will make the formal presentation.

COMMISSIONER PASMA: It is with some pride and certainly a good deal of relief that I present this report and recommendations on behalf of the Reapportionment Commission. Anne Brodsky will now make a presentation.

BRODSKY: Mr. President, Mr. Speaker, and Members of the House and Senate of the Forty-eighth Legislative Assembly:

I am here today to present a rational and systematic account of a process which I understand is regarded by most everyone else as only mysterious and highly emotional.

Before I begin this presentation, I wish to clarify what my role has been as Legislative Researcher for the Commission. I believe that there has been a certain amount of misunderstanding as to who has been responsible for the decisions, particularly as I walk through the halls of the Capitol and am asked, "What have you done with my district?" The Reapportionment Commission has been responsible for the districting decisions. I have acted as researcher and have provided technical assistance and provided the Commission with options. My role with the Commission is probably particularly important during the next 30 days when I will be available to you on a regular basis to discuss districting proposals. I emphasize that the opinions you have must be presented directly to the Commission rather than to me.

When you do meet again in your separate sessions, you will have on your desks packets of information from the Reapportionment Commission containing several items, including a copy of the provisions of the Montana Constitution pertaining to reapportionment. You will also have a map of the Commission's tentative congressional district plan as well as a color-coded map of the legislative districts that the Commission has tentatively adopted. This is not a final district plan — there will still be the opportunity for change. The numbering system now before you on the map is different than the numbering system with which you have been familiar during the last couple of years. For example, the district in Powell County has been referred to as 105. Now we have renumbered it as District 49. The numbering system starts in the northwest corner, and Lincoln County is No. 1. Also in this packet is a cross-reference system of the old numbering system used and the new numbering system adopted. Also, there is a brochure from the Census Bureau which indicates population counts for the counties, county census divisions, and incorporated places as well as census data for 1970 and 1980 with an indication of the percentage change in population over the decade.

As Senator Stephens stated, we have set up in Room 316 a set of display maps of the new legislative districts. There will be the statewide map displayed on the wall and maps of any counties that contain more than one

legislative district with the boundaries highlighted in red. Also displayed are city maps with highlighted district boundaries. These maps will be on display during the next 30 days for your review and perusal. I will be available to meet with any of you who have questions on the district boundaries or for those of you who would like to devise alternative proposals that you may wish to propose to the Commission.

Reapportionment is the redistricting of political district boundary lines, and the process is undertaken every ten years in every state of the country. Primarily, the purpose is to create political districts that are roughly equal in population so that the weight of one person's vote is equal to the weight of another's. The basis of the decisions was the Equal Protection Clause of the U.S. Constitution for state legislative districts and Article I, Section II of the Constitution for congressional districts requiring districts to be apportioned on the basis of population.

Four members of the Commission were appointed in 1979 by the House and Senate Majority and Minority leaders. Within 20 days after their designation, the four Commissioners were to select the fifth member to serve as the Chairman of the Commission. If the four members failed to select a fifth member within the time prescribed, the Supreme Court was responsible for selecting him. In 1979, as in 1973, the four members were unable to agree on the fifth member, and the Court made the appointment. The Commission was responsible for redrawing both legislative and congressional districts. The plan must be submitted to the first Legislature meeting in regular session after the Commission's appointment in 1979, and after the census figures are available. Census figures were available in March, 1981. This is the first regular session meeting following those events. The Legislature has 30 days to review the Commission's plan from the time that the Commission does submit the plan to the Legislature so that by February 4, this legislative assembly must return the plan with Legislators' recommendations back to the Commission. Thirty days following the receipt of the Legislature's recommendations by the Commission, the Commission must file the final plan at the Office of the Secretary of State, and at that time the plan becomes law and the Commission is dissolved.

The State Constitution has established certain criteria that the Commission must adhere to. The Constitution requires that single-member districts be formed and be nearly equal in population as possible with districts made up of compact territory and contiguous to each other. There are consequent stipulations that the House of Representatives must be between 80 and 100 districts and that the Senate be half of that number: 40-50 districts.

One of the first tasks undertaken by this Commission was to establish that it would attempt to create the districts keeping with tradition. The change in congressional districts was received without objections to date from any people. The change that was made between the existing district and recommended new district included Toole, Liberty, Pondera, and Meagher counties being moved from the eastern to western district. The difference in population of the two districts is 47 people above the ideal district size in the eastern district and 47 below in the western district. This was an overall range of 94 people, a .02 percent deviation. The overall relative range of the 100 House districts is 10.94 percent and the overall range of the 50 Senate districts is 10.18 percent. This seems to be relatively a good improvement over the plan created by the 1973-74 Reapportionment Commission, where the overall range was 15.48 percent for the House of Representatives, while the overall range in the Senate was 13.08 percent. The 100 House districts were created first and we returned to pairing those to

the Senate districts. Once it was realized that rarely could all the criteria be met in creating individual House districts, the task became that of applying a balancing test of the criteria in the individual House districts and on a regional basis. The Commission discovered that districts could not be created in an isolated manner and that a decision made in one area would have effects that would extend across the entire state, creating a ripple effect. Although the Commission first took action on districts in northeastern Montana, it is my sentiment that the Commission did not actually begin in eastern Montana. It continually moved east to west, north to south, west to east, south to north, throughout the whole process. No one was left behind, and it was up to the Commission to look at the entire picture. For example, in Meagher County the Commission considered placing that county in the district to the north of it, south, east, and west. The Commission looked at all of these options and had to make its decision based on the best available alternatives for entire areas.

The Commission did proceed from the rural to the urban areas, and the reason for this progression was that the census data from which the Commission worked was available in more flexible terms in the urban centers than it was available in the rural areas. In rural areas, the smallest census unit available was an enumeration district, and it usually comprised a large geographic area and often contained a large population. For example, one enumeration district outside Helena contained over 3,000 people, which is just under 50 percent of a district size, and this district creates significant limitations on the options available to the Commission. In contrast, in the urban centers the census provided details on a block-by-block basis, and the population contained in the census block was usually under 100, the average between 30 and 60 people; and having that great amount of flexibility, the Commission worked on these areas last.

In developing the proposals, I had access to all the census material, and I put proposals together for the Commission's review based on the criteria they had set forth. I put together these proposals with many of you, incumbent legislators, land use planners, county clerks and recorders, and others. In some areas of the state, we put together anywhere from five to seven proposals. They were drafted into map form, and they brought that proposal to a public hearing. In other areas, all parties agreed on one proposal, and only one proposal was presented to the Commission. The Commission did its work on a regional basis, and hearings were conducted on a regional basis. Northwest Montana was divided into 13 House districts; Missoula County, 9; Ravalli County, 3. Silver Bow, Powell, Granite, and Deer Lodge Counties contained 8 districts. In Gallatin County the Commission considered whether to create 5 or 6 districts. In Lewis and Clark County there were 5 House districts; in Cascade County, there are 10. The Glacier County area had 7 House districts, and northeast Montana 5. In Central Montana, Fergus, Petroleum, Judith Basin Counties had 2. Bighorn, Garfield, Rosebud and all counties east of these had 10 House districts; Yellowstone County, 14; Park, Sweetgrass, Stillwater, Carbon, 4.

Hearings were held throughout the State. The Commission received quite a bit of input from the public before they made decisions. Decisions made were tentative ones. They have been changed throughout the whole process, and even now the proposals being presented to the Legislature are tentative proposals and do not become final until the plan is filed with the Secretary of State. I will read from the minutes of the Commission in November in which they specifically requested that the Legislature offer its recommendations:

"Commissioner Woodgerd moved that the Commission present the plan to the Legislature with the Senate districts as currently adopted with a

note that we realize that the alignment of Senate districts in western Montana may not be the best possible alignment and that we particularly would like their comments and suggestions for other methods of aligning Senate districts before we adopt our final plan. Commissioner Pasma seconded the motion. Vote on motion: Aye - Pasma, Woodgerd, Mahoney. No - Galt, Kuhr. The motion passed."

Western Montana is one of the examples in which there seems to be no perfect alternative available. There are an odd number of House districts, 25, in an area that would logically be a contained area in which the districts would be paired into the Senate districts. One of those districts will have to be paired outside the area. This is a dilemma similar to the dilemma throughout the State in many areas.

The final point I want to mention today is that it is necessary that all Senators will be running for re-election in 1984, and that is because the new Senate districts that will be adopted and the Senate districts which are in effect right now will probably overlap, so that if all Senators were not to rerun, there would be instances in which a citizen would be represented by more than one Senator or would not have any Senate representative. So, all Senators will be running for re-election in 1984.

That concludes the presentation that I have to make. I personally commend the Commissioners for their dedication and doing a job that was bound to create more enemies than friends. I thank them for the support they have given me throughout this process.

PRESIDENT STEPHENS: We will entertain questions. If you will, please confine the questions to the nature of general questions concerning Anne's presentation today. There will be ample opportunity to ask specific questions when the hearings are held in the House and the Senate. The hearings will be held within the next thirty days. If you have a question, would you also please first identify yourself before directing the question to either Anne or to any member of the Reapportionment Commission.

The Chair recognizes Representative Pistoria.

REPRESENTATIVE PISTORIA: This has been asked by many at home. Suppose the State legislative body turns down this redistricting. What happens?

COMMISSIONER WOODGERD: Representative Pistoria, as we read the Constitution, it only allows for recommendations from the Legislature and does not allow the Legislature to turn down the plan as such.

PRESIDENT STEPHENS: The Chair recognizes Representative Nordtvedt.

REPRESENTATIVE NORDTVEDT: Realizing that you need some kind of variation which in this case was plus or minus 5 percent from the ideal to get the job done, if one finds three, four, or five legislative districts all together in one or another part of the State, or 5 percent above the ideal or 5 percent below the ideal, are we to view this as chance?

COMMISSIONER PASMA: I think we all know what you are referring to. I believe the Commission treated the county in question fairly, and it was just chance that the House districts there were over the ideal size. In my opinion, Representative Nordtvedt, you can view it any way you want to. I voted the same all four times, and I'd vote the same four more times, because you are wrong.

PRESIDENT STEPHENS: The Chair recognizes Senator Aklestad.

SENATOR AKLESTAD: Mr. President, I have a question for Mr. Kuhr. I would be interested in what agreement there was since there were five members on the Commission, and particularly interested in knowing since there were three Democrats and two Republicans, how many of the decisions were actually made on a partisan basis across the State as I look at the map?

COMMISSIONER KUHR: I can't speak for the other members of the Commission. I can suggest that early on it became very apparent that our process would be a partisan process. I recently read through all the minutes. There were sixty-one contested motions that we passed during the hearing process. On fifty-seven of those, the Chair voted with the two Democratic members of the commission — Pasma and Woodgerd. On two of the remaining four, the Chair abstained from voting, which effectively defeated motions that Mrs. Galt and I made. The remaining two were these: At Havre we had a question involved in numbering 219 and 220 and wanted to get those on the table. The Chairman felt it would be a good idea to get them on the table in the form of a tentative motion. He did vote with Mrs. Galt and I on that issue. The only other situation he voted with us was when we had a hearing in Helena and there was a request from one of the county officers to realign a county line so she could take care of precinct lines. The Chairman suggested it was a housekeeping matter and did vote with Mrs. Galt and I. There were only those instances that I am aware of. The ultimate approval was a 3-2 vote with the Chair voting with the two Democratic members. Mrs. Galt and I voted against the plan.

PRESIDENT STEPHENS: The Chair recognizes Senator Aklestad.

SENATOR AKLESTAD: Question for Mr. Pasma. In light of the message that was just received from Mr. Kuhr, I am just wondering how sincere you are that you are willing to listen to other alternatives from the Legislature in the upcoming thirty days of this process since you weren't very willing to listen to plans from the people that this Legislature represents at this time.

COMMISSIONER PASMA: Just as sincere, Senator Aklestad, as you are in asking the question. I would point out in defense of Senator Mahoney the two Republican members voted 100 percent of the time to damn it and for some reason that's in the best interest of the State. Apparently, when the Democrats voted together, there's something wrong with that. Did that answer your question?

SENATOR AKLESTAD: Not really. Are you still willing to listen to suggestions and make changes?

COMMISSIONER PASMA: Of course. We have throughout the entire State, and we will still be willing to do it until the final day the plan is voted on.

PRESIDENT STEPHENS: The Chair recognizes Senator Aklestad.

SENATOR AKLESTAD: Are you willing to adhere to the wishes of the majority of the people? I am wondering, if the majority of the Legislators agree that a district should be different, are you going to adhere to those wishes?

COMMISSIONER PASMA: I would have to see the plan they propose before it is approved. If we worked on your suggestion, we would have an amazing conglomeration of districts. Each Legislator would have a different list pretty much of their own to protect his own interests, so that is the very reason that the Commission was established.

PRESIDENT STEPHENS: Hearings will be held by both the House and Senate, with intent to hold those hearings no more than a day apart to accommodate Commission members who may have extensive travel plans or have to travel a great distance to reach Helena. There will be plenty of notice on the hearing dates. You are invited to visit with Anne and staff and take a look at display maps.

The Chair recognizes Representative Bardanouve.

REPRESENTATIVE BARDANOUVE: There seems to be a possibility of a partisan tone to this hearing. I wonder how many times that the Commission voted together as a body. I think that has some significance. How many times did you agree on the proposals?

COMMISSIONER KUHR: I didn't count those votes. On all the other issues that we are concerned with, it became apparent to Mrs. Galt and I early on that the Chair did not vote with the Republican side of the Commission. I think it's apparent to all of you that any Commission will be partisan, when you have two Republicans and two Democrats. I express to you my grave concern when you have a process as we did and traveled throughout the State of Montana and look at the results of what happened on the contested votes. That's where we had questions and division, and when one side of the aisle feels it was an aborted effort because the Chair will never be on your side, that's not just difficult for the members of the Reapportionment Commission or members of this body, that's a real concern to the people of the State of Montana.

PRESIDENT STEPHENS: The Chair recognizes Representative Bardanouve.

REPRESENTATIVE BARDANOUVE: I have highest respect for you and Mrs. Galt. I wasn't meaning to give any hassle, but I think that it is important to realize that there were times it seemed that there were certain Democratic Legislators eliminated from the legislative process and I never did hear in the press or anywhere about eliminating completely certain Democrats from the Legislature. Why was there not, at any time, a great hue and cry about getting rid of Democrats?

PRESIDENT STEPHENS: I believe that is a philosophical question, and I think you have made your point. If there are no further questions.

The Chair recognizes Senator Keating.

SENATOR KEATING: Mr. President, I would like to give a public acclamation for Anne Brodsky for what she did. She was between a bit and a hard place. Whenever I asked for anything she was very willing and helpful. I thought she did an excellent job considering the position she was in. I'd like to hear it for Anne.

PRESIDENT STEPHENS: If there are no further questions. The Chair recognizes Senator Hazelbaker.

MOTIONS

Senator Hazelbaker moved that the joint session of the Forty-eighth Legislature be adjourned. Motion carried unanimously.

Joint session adjourned at 2:13 p.m.

Senate resumed at 2:18 p.m.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 2:24 p.m., until Thursday, January 6, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FOURTH LEGISLATIVE DAY

Helena, Montana
January 6, 1983

Senate Chambers
State Capitol

Senate convened at 3:01 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the third legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 46.

STATE ADMINISTRATION (Story, Chairman):
SJR 3, do pass. Report adopted.

MOTIONS

Senator Himsl moved that the following names be added to the list of sponsors of SJR 3: Elliott, Stephens, Brown, Turnage, Galt, Hazelbaker, Curtiss, Harp. Motion carried unanimously.

Senator Hager moved that the following names be added to the list of sponsors of SB 23, SB 30, SB 37, and SB 41: Etchart, Boylan, Stimatz, Thoft, Neuman. Motion carried unanimously.

FIRST READING OF BILLS

The following Senate bills and Reapportionment Plan were introduced, read first time, and referred to committees:

SB 62, introduced by Turnage, Towe, (By Request of the Revenue Oversight Committee). Referred to Committee on Business and Industry.
SB 63, introduced by Turnage. Referred to Committee on State Administration.
SB 64, introduced by Turnage. Referred to Committee on Judiciary.
SB 65, introduced by Halligan. Referred to Committee on Judiciary.
SB 66, introduced by Keating, (By Request of the Secretary of State). Referred to Committee on State Administration.
SB 67, introduced by Keating. Referred to Committee on Natural Resources.
SB 68, introduced by Gage, Towe, (By Request of the Revenue Oversight Committee). Referred to Committee on Taxation.
SB 69, introduced by Fuller, Harper, (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.
SB 70, introduced by Eck, Norman, Bergene, Jacobson, Hansen. Referred to Committee on Labor and Employment Relations.
SB 71, introduced by Goodover, Galt, Phillips, Fabrega, O'Connell, Hemstad, Quilici, Pavlovich, Menahan. Referred to Committee on Local Government.
SB 72, introduced by B. Brown, (By Request of the Revenue Oversight Committee). Referred to Committee on Taxation.

SB 73, introduced by B. Brown, (By Request of the Revenue Oversight Committee). Referred to Committee on Taxation.

SB 74, introduced by B. Brown, (By Request of the Revenue Oversight Committee). Referred to Committee on Judiciary.

SB 75, introduced by Turnage, Towe, (By Request of the Revenue Oversight Committee). Referred to Committee on Business and Industry.

SB 76, introduced by B. Brown, (By Request of the Subcommittee on Education). Referred to Committee on Taxation.

Reapportionment Plan, introduced by the Montana Districting and Apportionment Commission. Referred to Committee on State Administration.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Kolstad in the Chair.

SB 14 - That SB 14 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 15 - That SB 15 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair.

Chairman Kolstad moved the adoption of the committee report. Report adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

At the request of Senator Lynch, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Lynch moved that the following names be added to the list of sponsors of SB 18: Stimatz, Jacobson, Harrington. Motion carried unanimously.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 3:19 p.m., until Friday, January 7, 1983, at the hour of 10:45 a.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTH LEGISLATIVE DAY

Helena, Montana
January 7, 1983

Senate Chambers
State Capitol

Senate convened at 10:46 a.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the fourth legislative day, find the same to be correct.

Tveit, Chairman

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Representative McBride and her committee from the House of Representatives informed the Senate that the House was ready to hear the State of the State address.

President Stephens acknowledged the message and stated the members of the Senate would be there shortly.

MOTIONS

Senator Hazelbaker moved that the President be empowered to appoint a committee of three to notify the House of Representatives that the Senate was ready to meet with them in joint session. Motion carried unanimously.

Senator Hazelbaker moved that the Senate stand in recess subject to the call of the Chair. Motion carried unanimously.

Senate recessed at 10:49 a.m.

Senate resumed at 10:54 a.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

The Sergeant-at-Arms announced the committee of three to notify the House of Representatives that the Senate was ready to meet with the House of Representatives for the State of the State address was at the door. Senator Smith reported they had informed the House that the Senate was ready to meet with them in joint session to listen to the message of the Honorable Governor.

MOTIONS

Senator Hazelbaker moved that the Senate recess and proceed to the House of Representatives for the purpose of receiving the Governor's State of the State address, and further that the Senate reconvene upon completion of that message.

Senate recessed at 10:55 a.m.

Senate resumed at 11:40 a.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SJR 3.
Considered correctly engrossed: SB 14, SB 15.

FINANCE AND CLAIMS (Himsl, Chairman):
SB 13, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens January 6, 1983
President, Montana State Senate
State Capitol
Helena, Montana 59620

Dear President Stephens:

I respectfully submit to the Montana Senate the following appointments made by Governor Schwinden.

As a member of the BOARD OF AERONAUTICS, in accordance with Sections 2-15-1812 and 2-15-124, MCA:

C.R. Ugrin, Miles City, reappointed for a term ending January 1, 1987.

As DIRECTOR OF THE DEPARTMENT OF AGRICULTURE, appointed effective January 8, 1983, in accordance with Sections 2-15-3001 and 2-15-111, Keith Kelly, Helena, to serve a term at the pleasure of the Governor.

As members of the BOARD OF ARCHITECTS, in accordance with Section 2-15-1871, MCA:

Jerrell D. Ballas, Missoula, appointed for a term ending March 27, 1985;

Bonita Blewett Donohue, Great Falls, reappointed for a term ending July 1, 1985.

As members of the MONTANA ARTS COUNCIL, in accordance with Section 2-15-1513, MCA, Title 22, Chapter 2:

Robert M. Cavanaugh, Kalispell, appointed for a term ending February 1, 1987;

Jessica P. Stickney, Miles City, appointed for a term ending February 1, 1987;

Preston L. Stiffarm, Harlem, appointed for a term ending February 1, 1987;

Charles F. Tooley, Billings, appointed for a term ending February 1, 1987;

Patrick Zentz, Laurel, appointed for a term ending February 1, 1987.

As members of the STATE BOARD OF BANKING, in accordance with Section 2-15-1803, MCA:

D.E. Olsson, Ronan, reappointed for a term ending July 1, 1984;

John S. Cote, Butte, appointed for a term ending July 1, 1984;

Earl W. Johnson, Helena, appointed for a term ending July 1, 1985;

Joe M. Taylor, Missoula, reappointed for a term ending July 1, 1985;

John C. Witte, Poplar, appointed for a term ending July 1, 1985.

As members of the BOARD OF BARBERS, in accordance with Section 2-15-1856, MCA:

Ed C. Johnston, Helena, appointed for a term ending October 7, 1984;

Eugene J. Thomas, Anaconda, appointed for a term ending July 1, 1985.

As members of the BOARD OF CHIROPRACTORS, in accordance with Section 2-14-1847, MCA:

Dr. Carroll E. Albert, Great Falls, reappointed for a term ending January 9, 1985;

R.G. Glatz, Winnett, appointed for a term ending October 6, 1984.

As members of the BOARD OF DENTISTRY, in accordance with Section 2-15-1842, MCA:

Elmer N. Cox, Great Falls, appointed for a term ending January 4, 1987;

Byron J. Greany, Anaconda, appointed for a term ending March 29, 1987.

As members of the BOARD OF PUBLIC EDUCATION, in accordance with Sections 2-15-1507 and 2-15-1508, MCA:

James A. Graham, Ismay, appointed for a term ending February 1, 1988;

Arthur R. Schauer, Libby, reappointed for a term ending February 1, 1989.

As members of the STATE ELECTRICAL BOARD, in accordance with Section 2-15-1874; MCA:

Jerry L. Painter, Great Falls, appointed for a term ending July 1, 1986;

Edgar Justesen, Glendive, appointed for a term ending July 1, 1987.

As members of the BOARD OF HEARING AID DISPENSERS, in accordance with Section 2-15-1850, MCA:

James E. Edwards, Anaconda, appointed for a term ending January 7, 1985;

Duane D. Friez, Glendive, appointed for a term ending January 7, 1985;

Leonard H. McKinney, Lewistown, appointed for a term ending January 7, 1985;

Koehler S. Stout, Butte, appointed for a term ending January 1, 1987;

James A. Tully, Big Timber, appointed for a term ending January 1, 1987.

As members of the BOARD OF HEARING AND DISPENSERS, in accordance with Section 2-15-1850, MCA:

Dudley Anderson, Missoula, appointed for a term ending July 1, 1985;

Dr. William J. Simic, Helena, appointed for a term ending July 1, 1985.

As members of the STATE HIGHWAY COMMISSION, in accordance with Sections 2-15-1501 and 2-15-124, MCA:

Gerald T. Archambeault, Glasgow, reappointed for a term ending January 1, 1986;

Roy Duff, Whitefish, reappointed for a term ending January 1, 1986.

As Members of the BOARD OF TRUSTEES OF THE STATE HISTORICAL SOCIETY, in accordance with Sections 2-15-1512 and 22-3-104, MCA:

Bruce L. Ennis, Billings, appointed for a term ending July 1, 1986;

Doris M. Marshall, Helena, reappointed for a term ending July 1, 1986;

Dale L. McGarvey, Kalispell, reappointed for a term ending July 1, 1986;

Mrs. Charles Bovey, Great Falls, reappointed for a term ending July 1, 1987;

Michael P. Malone, Bozeman, reappointed for a term ending July 1, 1987;

Eric John Myhre, Helena, reappointed for a term ending July 1, 1987.

As members of the BOARD OF HORSE RACING, in accordance with Section 2-15-1881, MCA:

Don S. Norem, Bozeman, appointed for a term ending January 16, 1983;

Harold J. Hopwood, Darby, appointed for a term ending January 16, 1985;

Dr. Joseph J. Murphy, Great Falls, appointed for a term ending January 16, 1985.

As members of the BOARD OF PERSONNEL APPEALS, in accordance with Sections 2-15-1705 and 2-15-124, MCA:

Francis J. Raucci, Great Falls, reappointed for a term ending January 1, 1987;

Alan L. Joscelyn, Helena, reappointed for a term ending January 1, 1987.

As a member of the BOARD OF PHARMACISTS, in accordance with Section 2-15-1843, MCA:

Anthony J. Francisco, Townsend, appointed for a term ending July 1, 1985.

As a member of the BOARD OF PHYSICAL THERAPY EXAMINERS, in accordance with Section 2-15-1858, MCA:

Thomas G. Larson, Butte, reappointed for a term ending July 1, 1985.

As members of the BOARD OF PLUMBERS, in accordance with Section 2-15-1875, MCA:

William R. Tooley, Jr., Billings, appointed for a term ending May 4, 1985;

Dan Fraser, Helena, appointed for a term ending January 6, 1985;

Mitchell Mihailovich, Butte, appointed for a term ending May 4, 1986;

Kastor Simensen, Wolf Point, appointed for a term ending May 4, 1986.

As members of the BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS, in accordance with Section 2-15-1873, MCA:

Louis Fontana, Great Falls, reappointed for a term ending July 1, 1986;

James B. Spring, Billings, appointed for a term ending July 1, 1986.

As a member of the BOARD OF INVESTMENTS, in accordance with Sections 2-15-1005 and 2-15-124, MCA:

Frederick B. Tossberg, Hamilton, appointed for a term ending January 7, 1985.

As members of the BOARD OF LANDSCAPE ARCHITECTS, in accordance with Section 2-15-1872, MCA:

Esther Veramae Hamel, St. Ignatius, reappointed for a term ending July 1, 1986;

Richard E. Mayer, Helena, reappointed for a term ending July 1, 1986.

As members of the STATE BOARD OF MEDICAL EXAMINERS, in accordance with Section 2-15-1841, MCA:

Jerome M. Kohn, Billings, appointed for a term ending October 7, 1985;

Beda J. Lovitt, Missoula, appointed for a term ending October 7, 1985;

Charles D. Parke, Miles City, reappointed for a term ending October 7, 1986;

Dr. M.P. Hamill, Helena, appointed for a term ending September 1, 1985.

As members of the BOARD OF MILK CONTROL, in accordance with Sections 2-15-1802 and 2-15-124, MCA:

Rae M. Haas, Helena, reappointed for a term ending January 1, 1987;

Curtis C. Cook, Hamilton, reappointed for a term ending January 1, 1987.

As members of the BOARD OF MORTICIANS, in accordance with Section 2-15-1853, MCA:

Lyman M. Clayton, III, Wolf Point, appointed for a term ending July 1, 1987;

Jeffrey Sherlock, Helena, appointed for a term ending July 1, 1987.

As a member of the BOARD OF NURSING, in accordance with Section 2-15-1844, MCA:

R. Therese Sullivan, reappointed for a term ending July 1, 1986.

As members of the BOARD OF NATURAL RESOURCES AND CONSERVATION, in accordance with Section 2-15-3302 and 2-15-124, MCA:

William A. Shields, Great Falls, reappointed for a term ending January 1, 1987;

Gordon G. Holte, Plentywood, reappointed for a term ending January 1, 1987.

As a member of the BOARD OF NURSING HOME ADMINISTRATORS, in accordance with Section 2-15-1845, MCA:

Marion Finley, Kalispell, reappointed for a term ending May 28, 1987.

As a member of the BOARD OF OIL AND GAS CONSERVATION, in accordance with Sections 2-15-3303 and 2-15-124, MCA:

James C. Nelson, Cut Bank, reappointed for a term ending January 1, 1987.

As members of the BOARD OF PSYCHOLOGISTS, in accordance with Section 2-15-1851, MCA:

Janice Anderson, Boulder, appointed for a term ending October 7, 1984;

Ennola C. Baggenstoss, Choteau, appointed for a term ending October 7, 1984;

James A. Walsh, Missoula, appointed for a term ending September 1, 1984;

Phillip L. Russell, Billings, appointed for a term ending September 1, 1985.

As members of the BOARD OF PUBLIC ACCOUNTANTS, in accordance with Section 2-15-1866, MCA:

Clinton J. Frazee, Bozeman, appointed for a term ending July 1, 1985;

Steven H. Smith, Billings, appointed for a term ending July 1, 1985.

As members of the BOARD OF RADIOLOGIC TECHNOLOGISTS, in accordance with Section 2-15-1848, MCA:

John C. Eagleton, Glasgow, appointed for a term ending January 1, 1985;

Margaret Mothershead, Big Timber, appointed for a term ending July 1, 1985.

As members of the BOARD OF REALTY REGULATION, in accordance with Section 2-15-1867, MCA:

A. Tom Lund, Sr., Hamilton, appointed for a term ending May 9, 1985;

George L. Pierce, Billings, appointed for a term ending May 9, 1986.

As members of the BOARD OF REGENTS OF HIGHER EDUCATION, in accordance with Article X, Section 9, Subsection 2 of the Montana Constitution and Sections 2-15-1505 and 2-15-1508, MCA:

Darla J. Keck, Havre, appointed for a term ending February 1, 1983;

Elsie J. Redlin, Lambert, appointed for a term ending February 1, 1984;

Burt L. Hurwitz, White Sulphur Springs, appointed for a term ending February 1, 1986;

Robert M. Knight, Missoula, appointed for a term ending February 1, 1989.

As a member of the BOARD OF SANITARIANS, in accordance with Section 2-15-1861, MCA:

James M. Peterson, appointed for a term ending July 1, 1985.

As a member of the BOARD OF SOCIAL AND REHABILITATION SERVICES APPEALS, in accordance with 2-15-2203, and 2-15-124, MCA:

Gerald D. Schultz, Hamilton, appointed for a term ending January 1, 1985.

As members of the BOARD OF SPEECH PATHOLOGISTS AND AUDIOLOGISTS, in accordance with Section 2-15-1849, MCA:

Bette J. Hiner, Glendive, appointed for a term ending December 31, 1984;

Mary Suzanne Bobowiec, Missoula, appointed for a term ending December 31, 1984;

Floyd J. McDowell, Great Falls, appointed for a term ending December 31, 1985.

As COMMISSIONER OF STATE LANDS, in accordance with Sections 2-15-3202 and 2-15-111, MCA:

Dennis Hemmer, Helena, serving at the pleasure of the Governor.

As a member of the BOARD OF VETERANS' AFFAIRS, in accordance with Section 2-5-2202, MCA:

John J. McGlynn, Butte, reappointed for a term ending May 18, 1987.

As a member of the BOARD OF VETERINARIANS, in accordance with Section 2-15-1852, MCA:

Richard L. Smith, Miles City, appointed for a term ending July 31, 1987.

As a member of the BOARD OF WATER WELL CONTRACTORS, in accordance with Section 2-15-1862, MCA:

W.J. Lindsay, Clancy, reappointed for a term ending July 1, 1985.

As ADMINISTRATOR OF THE WORKERS' COMPENSATION DIVISION, in accordance with Sections 2-15-1702 and 2-15-111, MCA:

Gary Blewett, Helena, serving at the pleasure of the Governor.

As WORKERS' COMPENSATION JUDGE, in accordance with Section 2-15-1014, MCA:

Timothy W. Reardon, Helena, appointed for a term ending July 1, 1987.

Sincerely,

DAVID E. WANZENRIED
Executive Assistant

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bill passed and transmitted to the Senate for concurrence: 1/7/83

HB 76, introduced by Bardanouve, Menahan

MOTIONS

Senator Himsl moved that the following names be added to the list of sponsors of SB 44: Aklestad, Elliott, Brown. Motion carried unanimously.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 77, introduced by R. Manning, Christiaens. Referred to Committee on State Administration.

SB 78, introduced by R. Manning, Berg, Stimatz, Lee, Kolstad, Jacobson, Gage, Christiaens, Galt, E. Smith. Referred to Committee on Judiciary.

SB 79, introduced by Fuller, Harper, Bengtson, J. Hammond, McCallum, Menahan, Boylan, (By Request of the Department of

Social and Rehabilitation Services). Referred to Committee on Judiciary.

SB 80, introduced by Hager. Referred to Committee on Taxation.

SB 81, introduced by Lynch, Jacobson, Quilici, Stimatz, Pavlovich, Blaylock, Harrington, Fuller, Harp, Neuman, Keyser, Menahan, Roush, Haffey, Jacobsen, Daily, Norman, Eck, Thomas, Story, Halligan, Marks, Stobie, Hazelbaker, Lane, Lee. Referred to Committee on Labor and Employment Relations.

SB 82, introduced by Lynch, McCallum, Phillips, Neuman, Stimatz, Daniels, Jacobson, Harrington. Referred to Committee on Taxation.

SB 83, introduced by Turnage. Referred to Committee on Judiciary.

The following House bill was introduced, read first time, and referred to committee:

HB 76, introduced by Bardanouve, Menahan. Referred to Committee on Finance and Claims.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 11:46 a.m., until Saturday, January 8, 1983, at the hour of 9:00 a.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTH LEGISLATIVE DAY

Helena, Montana
January 8, 1983

Senate Chambers
State Capitol

Senate convened at 9:01 a.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Conover, Elliott, Hager, Story, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the fifth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 13.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bill passed on third reading consent calendar and transmitted to the Senate for concurrence: 1/7/83

HB 14, introduced by Vincent

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 84, introduced by Hazelbaker, Aklestad, Kolstad, Elliott, Boylan, Williams, Bertelsen, Curtiss, R. Manning, Hammond, E. Smith, Hager, D. Brown, Ellison, Asay, Manuel, Fabrega, Underdal, Jacobsen, Harper, Roush, Schultz, Christiaens, Metcalf, Vincent, Harrington, Lane, Pistoria, Yardley, Conover, Thomas, Bliss, Hand, Harp, Compton, Hanson, Ryan, Solberg, Menahan, Veleber, Koehnke, Hemstad, Bengtson, Tveit, Marks, B. Brown, Gage, Miller. Referred to Committee on Business and Industry.

SB 85, introduced by Thomas, Christiaens, Keating, Miller. Referred to Committee on Local Government.

SB 86, introduced by Thomas, Keating, Miller. Referred to Committee on Local Government.

SB 87, introduced by Thomas, Keating, Bergene, Miller. Referred to Committee on Local Government.

The following House bill was introduced, read first time, and referred to committee:

HB 14, introduced by Vincent, (By Request of the Code Commissioner). Referred to Committee on Labor and Employment Relations.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Norman in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 46 - That SB 46 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Conover, Elliott, Hager, Story.
Total 4

Absent or not voting: None.
Total 0

SJR 3 - That SJR 3 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Conover, Elliott, Hager, Story.
Total 4

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Norman moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 14 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Conover, Elliott, Hager, Story.
Total 4

Absent or not voting: None.

Total 0

SB 15 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Conover, Elliott, Hager, Story.
Total 4

Absent or not voting: None.
Total 0

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 9:21 a.m., until Monday, January 10, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTH LEGISLATIVE DAY

Helena, Montana
January 10, 1983

Senate Chambers
State Capitol

Senate convened at 3:01 p.m., President Stephens presiding. Invocation by the Chaplain with moment of silence in memory of Monida Vaughn. Pledge of Allegiance to the Flag.

Roll call. All members present except Conover, Crippen, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the sixth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Considered correctly engrossed: SB 46, SJR 3.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully report as follows:

That the following attaches of the Senate be employed as of 8:00 a.m. on Monday, January 10, 1983:

Geraldine K. Ogle ..... Steno
Angela M. Dwight ..... Page
Patti M. Brooke ..... Page
Gregory A. Kelley ..... Page
Angela J. Meissner ..... Page

And that the following attaches of the Senate be terminated as of 5:00 p.m. on Saturday, January 8, 1983:

Kenneth Davis ..... Page
Robert Heath ..... Page
Robin M. Wampler ..... Page
Leah Johnson ..... Page
Jenny Osborne ..... Page

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
SB 53, do pass. Report adopted.
SB 54, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Dover, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 39

Noes: Blaylock, Daniels, Eck, Galt, Mohar, Regan, Story, Towe, Turnage.
Total 9

Excused: Conover, Crippen.

Total 2

Absent or not voting: None.
Total 0

FINANCE AND CLAIMS (Himsl, Chairman):
SB 44, do pass. Report adopted.

RULES (Hazelbaker, Chairman):
SJR 1, do pass. Report adopted.
SR 1, be adopted. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 76, be concurred in. Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed on third reading consent calendar and transmitted to the Senate for concurrence: 1/8/83

HB 2, introduced by Ramirez, Mazurek

HB 15, introduced by Ramirez

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 88, introduced by Fuller, J. Brown, (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.
SB 89, introduced by Eck, Sales, Boylan, Norman. Referred to Committee on Local Government.
SB 90, introduced by Boylan, Hager. Referred to Committee on Judiciary.
SB 91, introduced by Graham, (By Request of the Department of Highways). Referred to Committee on Highways and Transportation.
SR 2, introduced by Stephens, Hazelbaker, Aklestad, Blaylock, Regan, Kolstad. Referred to Committee on Legislative Administration.

The following House bills were introduced, read first time, and referred to committees:

HB 2, introduced by Ramirez, Mazurek, (By Request of the Legislative Council). Referred to Committee on State Administration.
HB 15, introduced by Ramirez, (By Request of the Code Commissioner). Referred to Committee on Judiciary.

At the request of Senator Hazelbaker, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Hazelbaker moved that the Senate stand in recess subject to the call of the Chair so that the Committee on Legislative Administration could consider SR 2.

Senate recessed at 3:10 p.m.

Senate resumed at 3:24 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
SR 2, be adopted. Report adopted.

MOTIONS

Senator Hazelbaker moved that the temporary rules be temporarily suspended in order to place SR 2 on second reading this legislative day. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Conover, Crippen.
Total 2

Absent or not voting: Daniels, Lane, Thomas, Van Valkenburg.
Total 4

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Boylan in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 13 - That SB 13 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Conover, Crippen.
Total 2

Absent or not voting: None.
Total 0

SR 2 - That SR 2 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek,

McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Conover, Crippen.
Total 2

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Boylan moved the adoption of the committee report. Report adopted.

At the request of Senator Regan, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Regan moved that the Senate reconsider action on SB 54. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Daniels, Eck, Fuller, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, D. Manning, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 34

Noes: Aklestad, Dover, Elliott, Etchart, Gage, Hager, Keating, Lynch, Marbut, Smith, Tveit, Mr. President.
Total 12

Excused: Conover, Crippen.
Total 2

Absent or not voting: Lane, Severson.
Total 2

Senator Regan moved that SB 54 be referred to the Committee on Business and Industry. Motion carried unanimously.

Senator Story moved that SB 77 be taken from the Committee on State Administration and moved to the Committee on Local Government. Motion carried unanimously.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 3:45 p.m., until Tuesday, January 11, 1983, at the hour of 4:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTH LEGISLATIVE DAY

Helena, Montana
January 11, 1983

Senate Chambers
State Capitol

Senate convened at 4:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the seventh legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 44, SB 53, SR 1, SJR 1.
Considered correctly engrossed: SB 13.

JUDICIARY (Turnage, Chairman):
SB 4, introduced bill, be amended as follows:

1. Title, lines 7 through 9.
Following: "PROCEEDINGS"
Strike: remainder of lines 7 through 9 in their entirety

2. Page 2, line 18.
Following: (4)
Strike: remainder of the line

3. Page 2, line 19.
Strike: "the"
Insert: "The"

4. Page 3, lines 3 through 9.
Strike: lines 3 through 9 in their entirety

And, as amended, do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully report as follows:

That the following attache of the Senate be reclassified from Assistant Sergeant-at-Arms to Business Manager as of 8:00 a.m. on Monday, January 10, 1983:

Ralph Erving .....Business Manager

Report adopted.

JUDICIARY (Turnage, Chairman):
SB 3, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 49

Noes: Brown.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 9, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 42

Noes: Elliott, Gage, Hammond, Keating, Kolstad, Lee, Smith, Tveit.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 39, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Eck, Halligan, Kolstad, R. Manning, Regan, Stimatz.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 92, introduced by Van Valkenburg, Winslow, (By Request of the Personnel and Labor Relations Study Commission). Referred to Committee on Labor and Employment Relations.

SB 93, introduced by Van Valkenburg, Hazelbaker, Manuel, Keyser, (By Request of the Board of Crime Control). Referred to Committee on Judiciary.

SB 94, introduced by Regan, B. Brown, Blaylock, Stephens, Bengtson, Vincent, Eudaily, Donaldson, (By Request of the Joint Subcommittee on Education). Referred to Committee on Taxation.

SB 95, introduced by McCallum, B. Brown, Mohar. Referred to Committee on Education and Cultural Resources.
SB 96, introduced by Elliott, Winslow, Roush, (By Request of the Coal Tax Oversight Committee). Referred to Committee on Taxation.
SB 97, introduced by Elliott, Himsl, Goodover, Winslow, Roush, (By Request of the Coal Tax Oversight Committee). Referred to Committee on Taxation.
SB 98, introduced by Hager. Referred to Committee on Judiciary.
SB 99, introduced by Hager, Etchart, Stimatz, Boylan, Thoft, Neuman, Abrams. Referred to Committee on Judiciary.
SB 100, introduced by Graham, (By Request of the Code Commissioner). Referred to Committee on State Administration.
SB 101, introduced by Graham, (By Request of the Code Commissioner). Referred to Committee on Natural Resources.
SB 102, introduced by Ochsner, McCallum, E. Smith, Zabrocki, Blaylock, Devlin, Lee, Hanson, Boylan, Howe, (By Request of the Department of Livestock). Referred to Committee on Agriculture, Livestock and Irrigation.
SB 103, introduced by Ochsner, Lee, Blaylock, Boylan, Schultz, Devlin, Zabrocki. Referred to Committee on Business and Industry.
SB 104, introduced by Keating, Goodover, C. Smith, Underdal, Sands, Lee, Jones, Marbut. Referred to Committee on State Administration.
SB 105, introduced by Keating, C. Smith. Referred to Committee on Business and Industry.
SB 106, introduced by Blaylock, (By Request of the Department of Highways). Referred to Committee on Highways and Transportation.
SB 107, introduced by Blaylock, Schye, McBride, Bachini, Peck, Harper, Iverson, Hazelbaker, Fuller, Jacobson, Ochsner, Lynch, Lane. Referred to Committee on Business and Industry.
SB 108, introduced by B. Brown, (By Request of the Revenue Oversight Committee). Referred to Committee on Taxation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Dover in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 76 - That HB 76, third reading copy, be amended as follows:

1. Page 1, line 14.
Strike: "1,938,674"
Insert: "1,831,674"

2. Page 1, line 15.
Strike: "1,185,627"
Insert: "1,132,127"

Amendments passed as follows:

Ayes: Aklestad, Boylan, Brown, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, D. Manning, Marbut, McCallum, Severson, Shaw, Smith, Turnage, Tveit, Mr. President.
Total 27

Noes: Berg, Blaylock, Christiaens, Conover, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Norman, Ochsner, Regan, Stimatz, Thomas, Towe, Van Valkenburg.

Total 22

Excused: None.
Total 0

Absent or not voting: Story.
Total 1

That HB 76, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Boylan, Lee, Smith, Stimatz.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Dover moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Hazelbaker moved that the temporary rules be temporarily suspended in order to place HB 76 on third reading for consideration this legislative day. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Norman.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 76, Senate amendments, passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Boylan, Hammond, Lee, Smith, Stimatz.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 46 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 3 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 5:01 p.m., until Wednesday, January 12, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

NINTH LEGISLATIVE DAY

Helena, Montana
January 12, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Tveit, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the eighth legislative day, find the same to be correct.

Tveit, Chairman

MOTIONS

Senator Hazelbaker moved that the President appoint a committee of three to notify the House of Representatives that the Senate was ready to meet with them in joint session and to receive the State of the Judiciary address from the Supreme Court of the State of Montana.

The President appointed the following committee:

Senator Brown
Senator Halligan
Senator Hager

Without objection, the Senate stood at ease at 3:04 p.m. to await the committee's return.

Senate resumed at 3:14 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

The committee of three appointed to notify the House of Representatives that the Senate was ready to meet with them in joint session returned and made its report. The message was acknowledged, and the committee was dismissed.

Senate recessed at 3:15 p.m.

Senate resumed at 3:54 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 4.

TAXATION (Goodover, Chairman):
SB 68, do pass. Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 1/11/83

HB 10, introduced by Curtiss

HB 13, introduced by Curtiss

MOTIONS

Senator Blaylock moved that the Senate request the House of Representatives to return HB 76 to the Senate. Motion failed as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 24

Noes: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 26

Paired: Blaylock, Aye; Tveit, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 109, introduced by Towe, Fabrega, (By Request of the Revenue Oversight Committee). Referred to Committee on Judiciary.

SB 110, introduced by Towe, Norman, Nordtvedt, (By Request of the Revenue Oversight Committee). Referred to Committee on Taxation.

SB 111, introduced by Van Valkenburg, Himsl, (By Request of the Personnel and Labor Relations Study Commission). Referred to Committee on Labor and Employment Relations.

SB 112, introduced by Thomas, Miller. Referred to Committee on Local Government.

SB 113, introduced by Thomas, Miller. Referred to Committee on Local Government.

SB 114, introduced by Thomas, Miller. Referred to Committee on Judiciary.

SB 115, introduced by Thomas, Miller. Referred to Committee on Local Government.

SB 116, introduced by Shaw, Lee, Gage, H. Hammond, Keating, Nordtvedt, Stobie, Kitselman, Switzer, Severson, Etchart, E. Smith, Ochsner, Goodover, Hannah, Seifert, Ernst, W. Jensen, Ellerd, Wallin, Kolstad. Referred to Committee on State Administration.

SB 117, introduced by Dover, Hazelbaker, Van Valkenburg, Quilici, Lory, Stimatz, Keating, Connelly, (By Request of the Board of Crime Control). Referred to Committee on Business and Industry.

SB 118, introduced by Towe, Mohar, Berg, Conover, Regan, Eck, Halligan, Fuller, Christiaens, Blaylock, Van Valkenburg. Referred to Committee on State Administration.

SB 119, introduced by Himsl, Blaylock, Hazelbaker, (By Request of the Legislative Audit Committee). Referred to Committee on State Administration.

SB 120, introduced by Boylan, Christiaens, Gage. Referred to Committee on Business and Industry.

SB 121, introduced by Fuller, Bertelsen. Referred to Committee on Local Government.

SB 122, introduced by Keating, Fuller, Donaldson. Referred to Committee on Highways and Transportation.
SB 123, introduced by Marbut, Dover, Story, Mazurek. Referred to Committee on State Administration.
SB 124, introduced by McCallum. Referred to Committee on Local Government.
SB 125, introduced by Blaylock, Mazurek, Himsl, Kolstad, Towe, Metcalf, Fabrega, Ramirez. Referred to Committee on Business and Industry.
SB 126, introduced by E. Smith, Nilson, (By Request of the Joint Subcommittee on Fish and Game). Referred to Committee on Fish and Game.
SB 127, introduced by Hazelbaker, Manuel, (By Request of the Board of Crime Control). Referred to Committee on Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 10, introduced by Curtiss, (By Request of the Joint Subcommittee on Judiciary). Referred to Committee on Judiciary.
HB 13, introduced by Curtiss, (By Request of the Joint Subcommittee on Judiciary). Referred to Committee on Judiciary.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Mazurek in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 44 - That SB 44 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

SB 53 - That SB 53 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

SJR 1 - That SJR 1 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

SR 1 - That SR 1 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Mazurek moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

SB 13 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker,

Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 4:21 p.m., until Thursday, January 13, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TENTH LEGISLATIVE DAY

Helena, Montana
January 13, 1983

Senate Chambers
State Capitol

Senate convened at 3:02 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Conover, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the ninth legislative day, find the same to be correct.

Tveit, Chairman

SPECIAL ORDERS OF THE DAY

U.S. Senator John Melcher was escorted into the Senate Chambers by Senators Hazelbaker and Blaylock. He then presented the following:

Joint Federal-State Efforts for Montanans' Needs in Four Areas

Joint efforts from state and federal sources must be pulled together to make common sense to get to policies of economic recovery for Montana and the Nation.

There are four areas that I want to mention where I hope you will act prudently so that we help as many people as possible, and in turn, I hope Congress and the Administration will use common sense on the Washington end.

People on reduced incomes are hungry — and there is plenty of food in this country.

Our highways need repair and upgrading, and the $100 million per year for obligational authority is better than the $67 million per year that would have been Montana's share prior to the passage of the fuel tax bill. It is past time to make our highways safer. But remember that the fuel tax bill carries with it an unwarranted hardship on truckers — not because of the 5 cents per gallon increase in diesel fuel, but because there are added taxes, the most burdensome being the 8-fold increase in federal highway use tax, which is crippling for truckers whose business is down 50 percent or more.

The small portion of the total educational costs for school kids that is federal cannot be cut in Title I, now called Chapter 1, nor can cuts be made in funding of Chapter 2, special education, which should be increased, nor can impact aid be cut. I trust the good judgment of you legislators not to distort the purposes of impact aid in Montana Foundation Program funds. We Westerners in both the Senate and the House have enough difficulty holding onto impact aid funds for those Montana schools where there is a heavy federal responsibility. I joined Senator Baucus in his amendment to restore the correct formula for Montana's share, which should give us up to $3 million more for Montana's schools from funds already appropriated.

I believe common sense will prevail in Washington, despite the Reagan Administration's apparent desire to further cut educational needs. There appears to be a solid bipartisan coalition in the Senate that will hold the line on any further reduction on federal participation in education. I believe I can say the same for vocational education and student loans.

While the weather is balmy here and in most of Montana today, fuel assistance for the low income will be a terrible problem for many Montana households before March. Don't let anything stand in the way of making certain that the full $11.7 million of federal funds are distributed to those in need, so they can stay warm. I am well aware of the increasing costs of heating fuels for most Montanans, and the 17,000 of them who participated in last winter's program may swell to as high as 30,000 this winter.

Returning to the hungry or poorly nourished — with the abundance of food available in this country we cannot allow hunger to become a way of life for Americans who are elderly or unemployed, handicapped or impoverished, and particularly the children of such families.

Over two years ago we set in motion a broader distribution of surplus commodities with billions of dollars of dairy products in federal warehouses, and with the revelation by Department of Agriculture officials that it was cheaper for them to distribute the cheese, butter and dried powder milk than to pay the storage costs.

I had anticipated that by now there would be a well oiled mechanism of federal-state distribution, not only to senior citizen centers and school lunch programs, but also to the households of the hungry elderly, those hungry families whose breadwinner is unemployed, to the handicapped, to the Salvation Army, to church food banks, to hospitals and to nursing homes that are approved for Medicaid, and to any other nonprofit group that can effectively and honestly distribute nutritional needs to those in need.

We can afford it — the truth is we cannot afford not to effectively and efficiently meet these needs.

I have written to SRS Director John LaFaver to request more of the dairy products, including dry powdered milk which has yet to find its way through this broadened distribution program into the bodies of the hungry in Montana and which is, as I have said earlier, available not only in quantity but needs to be moved in order to cut federal storage costs. I have asked Mr. LaFaver to broaden the distribution program beyond the senior center nutrition programs and Human Resource Development Councils to other nonprofit organizations, including church food banks, Salvation Army, and county and city agencies.

I believe these are four areas of helping ourselves in these tough times to make sure that we do all we can so that individual Montanans and their needs do not fall through the cracks.

At the conclusion of his speech, U.S. Senator John Melcher was escorted from the Senate Chambers by Senators Hazelbaker and Blaylock.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Hazelbaker moved that the Senate recess subject to the call of the Chair for the purpose of a political caucus. Motion carried unanimously.

Senate recessed at 3:19 p.m.

Senate resumed at 4:04 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 5.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 1/12/83

HB 20, introduced by Fabrega

HB 35, introduced by Daily

HB 40, introduced by Shontz

HB 65, introduced by Fabrega

HB 66, introduced by Fabrega

The House, on 1/12/83, failed to concur in Senate amendments to HB 76 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 76.

The Speaker appointed the following members:

Representative Vincent, Chairman
Representative Menahan
Representative Marks

MOTIONS

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 76. Motion carried unanimously.

The President appointed the following members:

Senator Shaw, Chairman
Senator Lee
Senator Graham

The committee was dismissed.

Senator Story called a meeting of the Committee on State Administration to be held immediately.

Senator Hazelbaker moved that the Senate stand in recess subject to the call of the Chair for the purpose of a State Administration Standing Committee meeting. Motion carried unanimously.

Senate recessed at 4:06 p.m. subject to the call of the Chair.

Senate resumed at 4:11 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 68.
Considered correctly engrossed: SB 44, SB 53, SJR 1.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully report as follows:

That the following attache of the Senate be terminated as of 5:00 p.m. on Wednesday, January 12, 1983:

Renee C. Dover.....Page

And that the following attache of the Senate be employed as of 8:00 a.m. on Thursday, January 13, 1983:

Eric Holmes.....Page

Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman):
SB 35, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 73, introduced bill, be amended as follows:

1. Title, line 5.
Strike: "PROVIDING FOR"
Insert: "CLARIFYING THE"

2. Title, line 6.
Strike: "ON"
Insert: "STATUS OF"

And, as amended, do pass. Report adopted.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 128, introduced by Hazelbaker, Blaylock, Menahan, Fuller, Donaldson, Keyser. Referred to Committee on Business and Industry.
SB 129, introduced by Fuller, J. Brown, Christiaens, Story. Referred to Committee on Judiciary.
SB 130, introduced by Mazurek, Berg, Fuller, McCallum. Referred to Committee on Local Government.
SB 131, introduced by Dover, O'Connell. Referred to Committee on Taxation.
SB 132, introduced by Jacobson, (By Request of the Legislative Audit Committee). Referred to Committee on Fish and Game.
SB 133, introduced by Lynch, Jacobson, Stimatz. Referred to Committee on Labor and Employment Relations.
SB 134, introduced by Jacobson, (By Request of the Legislative Audit Committee). Referred to Committee on State Administration.
SB 135, introduced by Halligan, R. Manning, Graham, Van Valkenburg. Referred to Committee on Local Government.
SB 136, introduced by Keating. Referred to Committee on Labor and Employment Relations.
SB 137, introduced by Himsl, Blaylock, Hazelbaker, (By Request of the Legislative Audit Committee). Referred to Committee on State Administration.
SB 138, introduced by Mazurek. Referred to Committee on Judiciary.
SB 139, introduced by Marbut, Norman, McCallum, Keating, Severson, B. Brown, J. Hammond, Halligan, Eudaily. Referred to Committee on Highways and Transportation.
SB 140, introduced by Story, Marks, McCallum, Conover. Referred to Committee on Local Government.
SB 141, introduced by Gage, (By Request of the Secretary of State). Referred to Committee on State Administration.
SB 142, introduced by Gage, (By Request of the Secretary of State). Referred to Committee on Judiciary.
SJR 7, introduced by Goodover, Turnage, Kolstad, Keating, McCallum, H. Hammond, Halligan, Ochsner, Hazelbaker, D. Manning, Elliott, Graham, Shaw, Gage, Lane, Tveit, Lee, Lynch, Etchart, E. Smith, Crippen, Stephens, Boylan, Daniels, B. Brown, Hager, Story, Norman. Referred to Committee on Public Health, Welfare and Safety.

The following House bills were introduced, read first time, and referred to committees:

HB 20, introduced by Fabrega. Referred to Committee on Business and Industry.
HB 35, introduced by Daily, (By Request of the Administrative Code Committee). Referred to Committee on State Administration.
HB 40, introduced by Shontz, (By Request of the Revenue Oversight Committee). Referred to Committee on Finance and Claims.
HB 65, introduced by Fabrega, (By Request of the Revenue Oversight Committee). Referred to Committee on Taxation.
HB 66, introduced by Fabrega, (By Request of the Revenue Oversight Committee). Referred to Committee on Taxation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Hager in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 4 - That SB 4 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Conover.
Total 1

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Hager moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Story, Chairman):
SB 116, do pass. Report adopted.

MOTIONS

Senator Hazelbaker moved that the temporary rules be temporarily suspended in order to place SB 116 on second reading for consideration this legislative day. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham,

Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: R. Manning.
Total 1

Excused: Conover.
Total 1

Absent or not voting: Eck, Keating, D. Manning, Ochsner, Thomas.
Total 5

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Hager in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 116 - That SB 116 do pass. Motion carried as follows:

Ayes: Aklestad, Brown, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, D. Manning, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 28

Noes: Berg, Blaylock, Boylan, Christiaens, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 20

Excused: Conover.
Total 1

Absent or not voting: Thomas.
Total 1

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Hager moved the adoption of the committee report. Report adopted.

MOTIONS

Senator Hazelbaker moved that the temporary rules be temporarily suspended in order to place SB 116 on third reading for consideration this legislative day. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Conover.
Total 1

Absent or not voting: Thomas.
Total 1

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

SB 116 passed as follows:

Ayes: Aklestad, Brown, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, D. Manning, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 28

Noes: Berg, Blaylock, Boylan, Christiaens, Conover, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 22

Paired: Hazelbaker, Aye; Conover, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Hazelbaker moved that the Senate stand in recess subject to the call of the Chair for the purpose of the conference committee meeting. Motion carried unanimously.

Senate recessed at 4:34 p.m.

Senate resumed at 5:11 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

Joint Conference Committee
on HB 76
Report No. 1, January 14, 1983

Mr. President and Speaker of the House:

We, your joint conference committee on HB 76, met January 14, 1983, and considered:

Senate Committee of the Whole amendments to the third reading copy

We recommend that:

The Senate recede from committee amendments 1 and 2; and

The joint conference committee report on HB 76 be adopted.

For the Senate:	For the House:
Senator Shaw, Chairman	Representative Vincent, Chairman
Senator Lee	Representative Menahan
Senator Graham	Representative Marks

MOTIONS

Senator Hazelbaker moved that the temporary rules be temporarily suspended in order to place the conference committee report on second reading for consideration this legislative day. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Conover.
Total 1

Absent or not voting: Christiaens, Fuller, Stimatz.
Total 3

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Hager in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 76 - That the conference committee report on Senate amendments to HB 76 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Conover.
Total 1

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair.

Chairman Hager moved the adoption of the committee report. Report adopted.

At the request of Senator Hazelbaker, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Hazelbaker moved that the temporary rules be temporarily suspended in order to place the conference committee report on third reading for consideration this legislative day. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Conover.
Total 1

Absent or not voting: Fuller, Stimatz.
Total 2

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

HB 76 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Conover.
Total 1

Absent or not voting: Fuller, Shaw, Stimatz.
Total 3

At the request of Senator Turnage, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Turnage moved that the following names be added to the list of sponsors of SJR 4: B. Brown, Himsl, McCallum, Stephens, Hazelbaker, Regan, Eck, Thomas, Towe, Lynch, Stimatz, Galt, Berg, E. Smith, H. Hammond, Blaylock, Kolstad, Ochsner, Severson, Goodover, Hager, Dover, Marbut, Mazurek, Mohar, Van Valkenburg, Haffey, Daniels, Halligan, Christiaens, D. Manning, Norman, R. Manning, D. Brown, Pavlovich,

Abrams, Keenan, Harrington, Quilici, Spaeth, Dozier, Driscoll, McCormick, Holliday, Manuel, Nisbet, McBride, Schye, Saunders, J. Jensen, Menahan, Addy, Neuman, Darko, Roush, Zabrocki, Kennerly, Veleber, Hart, Metcalf, Waldron, Hansen, Nilson, Koehnke, Pistoria, Connelly, J. Brown, Hand, J. Hammond, Ream, Bengtson, Jacobsen, O'Connell, Farris, Bachini, Peck, Yardley, Williams, Howe, Thoft, W. Jensen, Vincent, Fabrega, Kitselman, Hannah, Keyser, Bergene, Ramirez, Iverson, Marks, Harp, Nordtvedt, Winslow, Hemstad, Fagg, Curtiss, Ellison, Eudaily, Donaldson, C. Smith, Underdal, Stobie, Ryan, Solberg, Vinger, Asay, Seifert, Swift, Ernst, Hanson, Bertelsen, Shontz, Harper, Kemmis. Motion carried unanimously.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 5:22 p.m., until Friday, January 14, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

ELEVENTH LEGISLATIVE DAY

Helena, Montana
January 14, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Conover, Etchart, Ochsner, Thomas, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the tenth legislative day, find the same to be correct.

Tveit, Chairman

MOTIONS

Senator Mazurek moved that the following names be added to the list of sponsors of SJR 6: Fuller, Regan, Blaylock, Daniels, Hazelbaker, Turnage. Motion carried unanimously.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 35, SB 73.
Considered correctly engrossed: SB 4.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
SB 75, do pass. Report adopted.

JUDICIARY (Turnage, Chairman):
SB 7, introduced bill, be amended as follows:

1. Title, line 8.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2.
Following: line 22
Insert: "Section 2. Effective date. This act is effective on passage and approval."

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 66, do pass. Report adopted.
SJR 6, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 36, do pass. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 2, be concurred in. Report adopted.

JUDICIARY (Turnage, Chairman):
SB 1, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Brown, Mazurek.
Total 2

Excused: Conover, Etchart, Ochsner, Thomas.
Total 4

Absent or not voting: Stimatz.
Total 1

SB 5, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Boylan, Crippen, Daniels, Dover, Elliott, Fuller, Gage, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Lynch, D. Manning, Marbut, McCallum, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 30

Noes: Berg, Blaylock, Brown, Christiaens, Eck, Haffey, Jacobson, Lane, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 16

Excused: Conover, Etchart, Ochsner, Thomas.
Total 4

Absent or not voting: None.
Total 0

SB 64, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Conover, Etchart, Ochsner, Thomas.
Total 4

Absent or not voting: None.
Total 0

SB 74, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek,

McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Conover, Etchart, Ochsner, Thomas.
Total 4

Absent or not voting: None.
Total 0

SB 98, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Hager.
Total 1

Excused: Conover, Etchart, Ochsner, Thomas.
Total 4

Absent or not voting: None.
Total 0

SJR 2, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Aklestad.
Total 1

Excused: Conover, Etchart, Ochsner, Thomas.
Total 4

Absent or not voting: None.
Total 0

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 1/13/83

HB 53, introduced by Bergene

HB 61, introduced by Waldron

HB 71, introduced by Abrams

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Graham in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 68 - That SB 68 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Van Valkenburg, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Conover, Etchart, Ochsner, Thomas.
Total 4

Absent or not voting: Graham, Tveit.
Total 2

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Graham moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 7.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 143, introduced by Ochsner, Lee, E. Smith, Zabrocki, Devlin. Referred to Committee on Labor and Employment Relations.

SB 144, introduced by Turnage, Towe, (By Request of the Revenue Oversight Committee). Referred to Committee on Business and Industry.

SB 145, introduced by Turnage, Mazurek, (By Request of the Senate Judiciary Committee). Referred to Committee on Judiciary.

SB 146, introduced by D. Manning, Galt, Towe, (By Request of the Department of Natural Resources and Conservation). Referred to Committee on Taxation.

SB 147, introduced by Lane, (By Request of the Department of Commerce). Referred to Committee on Judiciary.

SB 148, introduced by Himsl, Blaylock, (By Request of the Legislative Audit Committee). Referred to Committee on State Administration.

SB 149, introduced by H. Hammond, Peck, B. Brown, Turnage, (By Request of the Board of Public Education). Referred to Committee on Education and Cultural Resources.

SB 150, introduced by Story. Referred to Committee on Public Health, Welfare and Safety.

SB 151, introduced by Galt, Turnage, (By Request of the Revenue Oversight Committee). Referred to Committee on Business and Industry.

SB 152, introduced by Aklestad, Jacobsen, Vinger, Sales, Compton, Devlin. Referred to Committee on Labor and Employment Relations.
SB 153, introduced by Haffey, B. Brown, Eudaily, Quilici, Daily, Keenan, Berg, Stimatz, Jacobson, Keating, Crippen, Daniels, (By Request of the Board of Public Education). Referred to Committee on Education and Cultural Resources.
SB 154, introduced by Keating, Fagg, (By Request of the Personnel and Labor Relations Study Commission). Referred to Committee on Labor and Employment Relations.
SB 155, introduced by McCallum, Stobie. Referred to Committee on Judiciary.
SB 156, introduced by Goodover, Addy. Referred to Committee on Business and Industry.
SB 157, introduced by B. Brown. Referred to Committee on State Administration.
SB 158, introduced by B. Brown. Referred to Committee on Education and Cultural Resources.
SB 159, introduced by Keating, Tveit, Shaw, Dover, Gage, Lee, Roush, McCallum, Stobie, Devlin, Seifert, Harp, Hanson. Referred to Committee on Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 53, introduced by Bergene. Referred to Committee on Judiciary.
HB 61, introduced by Waldron. Referred to Committee on Judiciary.
HB 71, introduced by Abrams. Referred to Committee on Judiciary.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 44 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Van Valkenburg, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Conover, Etchart, Ochsner, Thomas.
Total 4

Absent or not voting: D. Manning, Tveit.
Total 2

SB 53 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Van Valkenburg, Mr. President.
Total 44

Noes: None.

Total 0

Excused: Conover, Etchart, Ochsner, Thomas.
Total 4

Absent or not voting: D. Manning, Tveit.
Total 2

SJR 1 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Van Valkenburg, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Conover, Etchart, Ochsner, Thomas.
Total 4

Absent or not voting: Elliott, Tveit.
Total 2

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 3:33 p.m., until Saturday, January 15, 1983, at the hour of 9:00 a.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TWELFTH LEGISLATIVE DAY

Helena, Montana
January 15, 1983

Senate Chambers
State Capitol

Senate convened at 9:00 a.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Conover, Lee, McCallum, Ochsner, Severson, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the eleventh legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 7, SB 36, SB 66, SB 75, SJR 6.
Considered correctly engrossed: SB 68.

STATE ADMINISTRATION (Story, Chairman):
SB 63, introduced bill, be amended as follows:

1. Page 2, line 18.
Following: "(6)"
Strike: "The"
Insert: "Except as herein provided, the"

2. Page 2, line 18.
Following: "district"
Insert: "which has an annual budget of less than $20,000 and"

3. Page 2, line 21.
Following: "chapter 33"
Strike: ", part 23"

4. Page 2, line 22.
Following: "with the"
Strike: "county treasurer"
Insert: "board of county commissioners"

5. Page 2, line 24.
Following: "the"
Strike: "prior"

6. Page 3, line 1.
Following: "trustees."
Insert: "The board of county commissioners may require an annual audit to be conducted by the department if it considers such audit to be in the public interest."

And, as amended, do pass. Report adopted.

SJR 4, introduced bill, be amended as follows:

1. Title, line 6.
Following: "FOR THE"
Insert: "MAUREEN AND MIKE MANSFIELD FOUNDATION AND THE"

2. Title, line 7.
Following: "AFFAIRS"
Insert: "AND THE MAUREEN AND MIKE MANSFIELD CENTER AT THE UNIVERSITY OF MONTANA"

3. Page 1, line 20.
Following: "establish"
Strike: "a"
Insert: "the Maureen and Mike Mansfield Foundation in order to support the"

4. Page 1, line 21.
Following: "Lake"
Strike: "to"
Insert: "and the Maureen and Mike Mansfield Center at the University of Montana. These activities will"

5. Page 1, line 22.
Following: "Mansfield and"
Strike: "to"

6. Page 1, line 25.
Following: "the"
Strike: "center"
Insert: "centers"

7. Page 2, line 2.
Following: "WHEREAS, the"
Strike: "center"
Insert: "centers"

8. Page 2, line 10.
Following: "of the"
Insert: "Maureen and Mike Mansfield Foundation and the"

9. Page 2, line 11.
Following: "Affairs"
Strike: "in Montana"
Insert: "and the Maureen and Mike Mansfield Center at the University of Montana"

10. Page 2, line 12.
Following: "help"
Strike: "the Center"
Insert: "these programs"

And, as amended, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman):
SB 57, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Dover, D. Manning, Marbut, Story.
Total 4

Excused: Conover, Lee, McCallum, Ochsner, Severson.
Total 5

Absent or not voting: None.
Total 0

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bill passed and transmitted to the Senate for concurrence: 1/14/83

HB 46, introduced by Stobie

Joint conference committee report adopted: 1/13/83

Joint conference committee report on HB 76

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 160, introduced by Kolstad, Galt, Jacobsen, Saunders, Gage, Graham, Ernst, Roush, Yardley, Koehnke, Thomas, Mazurek, Lane, Christiaens, Boylan, Tveit, Underdal, Iverson, Pavlovich, Holliday, Conover, Neuman, Lee, Lybeck. Referred to Committee on Agriculture, Livestock and Irrigation.

SB 161, introduced by Turnage, B. Brown, Elliott, Halligan, Keating, Van Valkenburg, Marbut, Dover, Himsl, Hager, Severson, McCallum, Kolstad, Eck, Norman, Stephens, Mohar, Lane, H. Hammond, E. Smith, Goodover, Story. Referred to Committee on Natural Resources.

SB 162, introduced by Mazurek. Referred to Committee on Local Government.

SB 163, introduced by Van Valkenburg, Kadas. Referred to Committee on Taxation.

SB 164, introduced by Shaw, Lee. Referred to Committee on Natural Resources.

SB 165, introduced by Lee, Blaylock. Referred to Committee on Judiciary.

SR 3, introduced by Goodover, Graham, Galt, Hazelbaker, Kolstad, Turnage, Conover, Halligan, Gage, Severson, Elliott, Shaw, Ochsner, Christiaens, Story, Keating, E. Smith, H. Hammond, McCallum, Lane, Etchart, Tveit, Dover, Thomas, Boylan, D. Manning, Lee, B. Brown, Daniels, Stephens, Aklestad, Crippen. Referred to Committee on State Administration.

SR 4, introduced by Stephens. Referred to Committee on State Administration.

The following House bill was introduced, read first time, and referred to committee:

HB 46, introduced by Stobie, (By Request of the Administrative Code Committee). Referred to Committee on State Administration.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Berg in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 73 - That SB 73 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Conover, Lee, McCallum, Ochsner, Severson.
Total 5

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Berg moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

SB 4 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Conover, Lee, McCallum, Ochsner, Severson.
Total 5

Absent or not voting: None.
Total 0

ANNOUNCEMENT OF COMMITTEE MEETINGS

Signed by the President at 1:45 p.m., 1/14/83: HB 76.

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 9:15 a.m., until Monday, January 17, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTEENTH LEGISLATIVE DAY

Helena, Montana
January 17, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the twelfth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 63, SJR 4.
Considered correctly engrossed: SB 73.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully report as follows:

That the following attaches of the Senate be employed as of 8:00 a.m. on Monday, January 17, 1983:

Rhonda DeMato.....Steno
Minna Miller.....Steno
Frank T. Moreni.....Page
John "Chip" Hagen, Jr.....Page
Julie A. Brehm.....Page
Timothy T. Duncan.....Page
Michelle S. Rector.....Page
Kimberlee Colbo.....Page

And that the following attaches of the Senate be terminated as of 5:00 p.m. on Saturday, January 15, 1983:

Angela M. Dwight.....Page
Patti M. Brooke.....Page
Gregory A. Kelley.....Page
Angela J. Meissner.....Page
Janelle L. Iverson.....Page

Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
SB 102, do pass. Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
HB 20, be concurred in. Report adopted.

JUDICIARY (Crippen, Vice-Chairman):
SB 79, introduced bill, be amended as follows:

1. Title, line 8.
Following: "THEREFOR"
Insert: "; AND PROVIDING AN EFFECTIVE DATE OF JULY 1, 1983"

2. Page 2.
Following: line 10

Insert: "NEW SECTION. Section 3. Effective date. This act is effective on July 1, 1983."

And, as amended, do pass. Report adopted.

HB 15, third reading copy, be amended as follows:

1. Title, line 9.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2.
Following: line 8
Insert: "NEW SECTION. Section 2. Effective date. This act is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 58, introduced bill, be amended as follows:

1. Page 1, line 22.
Strike: line 22 in its entirety
Insert: "a statute specifically requires the elected official to perform such duty or obtain such permission or approval."

And, as amended, do pass. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
SB 59, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Turnage, Van Valkenburg, Mr. President.
Total 42

Noes: Blaylock, McCallum, Stimatz, Towe.
Total 4

Excused: None.
Total 0

Absent or not voting: Gage, Graham, Thomas, Tveit.
Total 4

JUDICIARY (Turnage, Chairman):
SB 83, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: McCallum.
Total 1

Excused: None.
Total 0

Absent or not voting: Gage, Graham, Thomas.
Total 3

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 1/15/83

HB 36, introduced by Stobie

HB 45, introduced by Waldron

HB 51, introduced by Yardley

HB 67, introduced by Harper

HB 72, introduced by Abrams

HB 81, introduced by Nordtvedt

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 166, introduced by Eck, Van Valkenburg, Boylan, Berg, Jacobson, Harrington, Hazelbaker, Peck. Referred to Committee on Education and Cultural Resources.

SB 167, introduced by Daniels, Turnage, (By Request of the Department of Administration). Referred to Committee on Finance and Claims.

SB 168, introduced by Van Valkenburg, (By Request of the Department of Institutions). Referred to Committee on Judiciary.

SB 169, introduced by Van Valkenburg, (By Request of the Personnel and Labor Relations Study Commission). Referred to Committee on Labor and Employment Relations.

SB 170, introduced by Boylan. Referred to Committee on State Administration.

SB 171, introduced by Boylan, Thoft, Brand, Goodover, Pavlovich, Sales, Kolstad, Asay, Ellison, Curtiss, Hannah, Keyser, Stobie, Ryan, Vinger, Fagg, Marks, Harp, Hemstad, R. Jensen, Jacobsen, Story, Dover, E. Smith, Shaw, McCallum, Etchart, Severson, Devlin, Schultz, Underdal, Lee, Gage, Tveit, Switzer, Compton, Swift, Zabrocki, Seifert, Wallin, Solberg, Jones, C. Smith, Donaldson, Ernst. Referred to Committee on State Administration.

SB 172, introduced by Eck, Bergene, Lane, Fabrega. Referred to Committee on Taxation.

SB 173, introduced by Crippen, Marbut, Van Valkenburg, Blaylock, Regan, Halligan, Fabrega, Mohar, Berg, Keating, Hemstad, Christiaens, Towe, Hager, Mazurek, Kitselman, Fagg, Turnage. Referred to Committee on Local Government.

SB 174, introduced by Himsl, Elliott, (By Request of the Board of Investments). Referred to Committee on Business and Industry.

SB 175, introduced by Elliott, Marbut, Mazurek. Referred to Committee on Local Government.

SB 176, introduced by Marbut, B. Brown, Halligan, Bertelsen, Keating, J. Hammond, Van Valkenburg, Eudaily, Severson. Referred to Committee on Local Government.

SB 177, introduced by Van Valkenburg. Referred to Committee on Judiciary.

SB 178, introduced by Van Valkenburg. Referred to Committee on Judiciary.
SB 179, introduced by Stimatz. Referred to Committee on Judiciary.
SB 180, introduced by Mazurek, (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Public Health, Welfare and Safety.

The following House bills were introduced, read first time, and referred to committees:

HB 36, introduced by Stobie, (By Request of the Administrative Code Committee). Referred to Committee on State Administration.
HB 45, introduced by Waldron. Referred to Committee on Judiciary.
HB 51, introduced by Yardley. Referred to Committee on State Administration.
HB 67, introduced by Harper, (By Request of the Administrative Code Committee). Referred to Committee on State Administration.
HB 72, introduced by Abrams. Referred to Committee on Local Government.
HB 81, introduced by Nordtvedt, (By Request of the Revenue Oversight Committee). Referred to Committee on Taxation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Brown in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 7 - That SB 7, without objection, be moved to the bottom of the board.

SB 35 - That SB 35 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 36 - That SB 36 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 46

Noes: Blaylock, Mohar, Towe.
Total 3

Excused: None.
Total 0

Absent or not voting: Lynch.
Total 1

SB 66 - That SB 66 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohár, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 75 - That SB 75 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 6 - That SJR 6 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 2 - That HB 2 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 7 - That SB 7 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Brown moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

SB 68 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan,

Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of Senator Turnage, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Turnage moved that Joint Rule 6-6(6) be temporarily suspended until the Senate has acted on the Joint Rules Committee recommendation. Motion carried as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Blaylock, Lynch.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 3:46 p.m., until Tuesday, January 18, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FOURTEENTH LEGISLATIVE DAY

Helena, Montana
January 18, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Severson, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the thirteenth legislative day, find the same to be correct.

Tveit, Chairman

SPECIAL ORDERS OF THE DAY

Senator Fuller introduced the fifth and sixth graders from Jefferson School who sang "Montana Melody". Principal Finstad briefly outlined the process that the students went through to recommend "Montana Melody" as the new state song.

At the conclusion of the presentation, the students received a standing ovation from the Senate and the Gallery, and President Stephens thanked them for sharing the rendition with the Senate.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 58, SB 79, SB 102.
Considered correctly engrossed: SB 7, SB 35, SB 36, SB 66, SB 75, SJR 6.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
SB 60, introduced bill, be amended as follows:

1. Title, line 4.
Strike: "SECTION"
Insert: "SECTIONS 15-24-301,"

2. Title, line 5.
Following: "15-24-1001,"
Insert: "AND 15-70-312,"

3. Title, line 6.
Following: "NONRESIDENT"
Strike: "CUSTOM COMBINERS"'
Insert: "AGRICULTURAL HARVESTING EQUIPMENT"

4. Page 1.
Following: line 9
Insert: "Section 1. Section 15-24-301, MCA, is amended to read:

"15-24-301. Personal property brought into the state — assessment — exceptions — custom combine equipment. (1) Except as provided in subsections (2) through (6), property in the following cases is subject to taxation and assessment for all taxes levied that year in the county in which it is located:

(a) any personal property (including livestock) brought, driven, or coming into this state at any time during the year that is used in the state for hire, compensation, or profit;

(b) property whose owner or user is engaged in gainful occupation or business enterprise in the state; or

(c) property which comes to rest and becomes a part of the general property of the state.

(2) The taxes on this property are levied in the same manner and to the same extent, except as otherwise provided, as though the property had been in the county on the regular assessment date, provided that the property has not been regularly assessed for the year in some other county of the state.

(3) Nothing in this section shall be construed to levy a tax against a merchant or dealer within this state on goods, wares, or merchandise brought into the county to replenish the stock of the merchant or dealer.

(4) Any motor vehicle not subject to the light vehicle license fee brought, driven, or coming into this state by any nonresident person temporarily employed in Montana and used exclusively for transportation of such person is subject to taxation and assessment for taxes as follows:

(a) The motor vehicle is taxed by the county in which it is located.

(b) One-fourth of the annual tax liability of the motor vehicle must be paid for each quarter or portion of a quarter of the year that the motor vehicle is located in Montana.

(c) The quarterly taxes are due the first day of the quarter.

(5) Agricultural harvesting machinery classified under class eight, licensed in other states, and operated on the lands of persons other than the owner of the machinery under contracts for hire shall be subject to a fee in lieu of taxation of $35 per machine for ~~a 60-day period~~ the calendar year in which the fee is collected. The machines shall be subject to taxation under class eight only if they are sold in Montana.

(6) The provisions of this part do not apply to automobiles and trucks having a rated capacity of three-quarters of a ton or less. These vehicles are subject to the fee provided for in 61-3-532.""

Renumber: subsequent section

5. Page 3.
Following: line 9
Insert: "Section 3. Section 15-70-312, MCA, is amended to read:

"15-70-312. Fees for temporary permits — duration of temporary permits. (1) The temporary special fuel permits shall cost the special fuel vehicle user a fee of $30. The permit shall be valid for a period of time not to exceed 72 hours and will be automatically void should the vehicle leave the state of Montana during the 72-hour period.

(2) A temporary special fuel permit for a nonresident operating agricultural harvesting equipment shall cost $30 per unit for ~~a period beginning July 1 and ending October 31~~ the calendar year in

which the fee is collected. The permit shall not be transferable. A unit shall be defined as:

(a) one truck suitable for hauling produce;

(b) one harvesting machine; and

(c) pickup trucks and any other accessory vehicles.

(3) All fees collected shall be remitted to the department or deposited directly in the earmarked revenue fund for the department of highways.""

And, as amended, do pass. Report adopted.

RULES (Hazelbaker, Chairman):
Recommend that the temporary joint rules of the 48th legislative session be amended as follows:

Joint Rule 6-6(6):
Deleted.

Joint Rule 6-29:
Except for consent calendar bills, every bill shall be read three times prior to passage, either by title or by summary of title as provided in these rules. The first reading shall be prescribed in Joint Rule 6-10; the second prior to debate in Committee of the Whole; and the third, ~~which shall be by complete title,~~ prior to final passage. No bill shall receive more than one reading on the same day except on the last legislative day. No amendment may be offered on the third day.

Joint Rule 7-2:
Upon request of any member of the house in which a bill is pending, a standing committee shall submit a written report in triplicate on ~~all bills~~ any bill or ~~matters~~ matter referred to it within seven days after ~~reference~~ request, unless, at the request of the committee and for good cause shown, further time is granted by the house concerned.

And, as amended, do pass. Report adopted.

JUDICIARY (Turnage, Chairman):
SB 99, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, Chairman):
SB 69, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SB 12, introduced bill, be amended as follows:

1. Page 1, line 20.
Strike: "Subsection (1) is subject to the provision of 26-1-805, and the"
Insert: "(a) The"

2. Page 1, line 21.
Strike: "not"

3. Page 1, line 24.
Following: "court."
Insert: "(b) The physician's report may not be utilized in a criminal proceeding, or in a civil proceeding other than as provided in this subsection, without the consent of the patient."

And, as amended, do pass. Report adopted.

JUDICIARY (Turnage, Chairman):

SB 90, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Severson.
Total 1

Absent or not voting: Fuller, Graham, D. Manning.
Total 3

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate bill concurred in on third reading consent calendar and returned to the Senate: 1/17/83

SB 14, introduced by Mazurek

House bills passed and transmitted to the Senate for concurrence: 1/17/83

HB 56, introduced by Pavlovich

HB 63, introduced by Fabrega

HB 64, introduced by Fabrega

HB 74, introduced by Fabrega

HB 83, introduced by Hemstad

HB 91, introduced by Mueller

HB 92, introduced by Stobie

HB 116, introduced by Devlin

MOTIONS

Senator Kolstad moved that SR 3 be taken from the Committee on State Administration and that it be referred to the Committee on Legislative Administration. Motion carried unanimously.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 181, introduced by Halligan, (By Request of the Department of Commerce). Referred to Committee on State Administration.

SB 182, introduced by H. Hammond, Galt, Kolstad, Thomas, McCallum, Severson. Referred to Committee on Public Health, Welfare and Safety.

SB 183, introduced by Mazurek, (By Request of the Department of Administration). Referred to Committee on Judiciary.

SB 184, introduced by Mazurek, (By Request of the State Auditor). Referred to Committee on Business and Industry.

SB 185, introduced by Galt, Holliday. Referred to Committee on Taxation.
SB 186, introduced by Elliott, (By Request of the Coal Tax Oversight Subcommittee). Referred to Committee on Taxation.
SB 187, introduced by Aklestad, Kolstad, E. Smith, Jacobsen, Underdal, Manuel. Referred to Committee on Taxation.
SB 188, introduced by Jacobson, Eck. Referred to Committee on Judiciary.
SB 189, introduced by Blaylock. Referred to Committee on Taxation.
SB 190, introduced by Himsl, (By Request of the Department of Institutions). Referred to Committee on State Administration.
SB 191, introduced by Blaylock, (By Request of the Department of State Lands). Referred to Committee on Agriculture, Livestock and Irrigation.
SB 192, introduced by Blaylock, Hand, (By Request of the Department of State Lands). Referred to Committee on Agriculture, Livestock and Irrigation.
SB 193, introduced by Conover, Norman. Referred to Committee on Public Health, Welfare and Safety.
SB 194, introduced by Aklestad, Roush. Referred to Committee on Judiciary.
SB 195, introduced by Crippen. Referred to Committee on Judiciary.
SB 196, introduced by Van Valkenburg, Mazurek, Stimatz, Keating, Ochsner, Boylan, B. Brown, Daniels, McCallum, Crippen. Referred to Committee on Judiciary.
SB 197, introduced by Mazurek. Referred to Committee on Labor and Employment Relations.
SB 198, introduced by Tveit, Keyser. Referred to Committee on Labor and Employment Relations.
SB 199, introduced by Tveit, Keyser. Referred to Committee on Labor and Employment Relations.
SB 200, introduced by Van Valkenburg, (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Public Health, Welfare and Safety.
SJR 8, introduced by Severson, B. Brown, Elliott, Swift, McCallum, Himsl, Towe, Lane, Norman, Thomas, H. Hammond, Waldron, Devlin, E. Smith, Marbut, Mueller, Thoft, Ellerd, Seifert, Asay, Curtiss, Marks, Harp, Hannah, Kemmis, Stobie, Lybeck. Referred to Committee on Legislative Administration.

The following House bills were introduced, read first time, and referred to committees:

HB 56, introduced by Pavlovich. Referred to Committee on Taxation.
HB 63, introduced by Fabrega. Referred to Committee on Business and Industry.
HB 64, introduced by Fabrega. Referred to Committee on Business and Industry.
HB 74, introduced by Fabrega. Referred to Committee on Judiciary.
HB 83, introduced by Hemstad, Driscoll, Dozier, Donaldson, (By Request of the Secretary of State). Referred to Committee on State Administration.
HB 91, introduced by Mueller, Schultz, Swift, Seifert, Quilici, Nordtvedt, Darko. Referred to Committee on Taxation.
HB 92, introduced by Stobie, Daily, Schultz, Harper, (By Request of the Administrative Code Committee). Referred to Committee on State Administration.
HB 116, introduced by Devlin, (By Request of the Department of Livestock). Referred to Committee on Taxation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Crippen in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 63 - That SB 63 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

SJR 4 - That SJR 4 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Severson.
Total 1

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Crippen moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

SB 73 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Severson.
Total 1

Absent or not voting: Graham, D. Manning.
Total 2

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 3:31 p.m., until Wednesday, January 19, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTEENTH LEGISLATIVE DAY

Helena, Montana
January 19, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Graham, Severson, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the fourteenth legislative day, find the same to be correct.

Tveit, Chairman

SPECIAL ORDERS OF THE DAY

Senator Stephens introduced former Senator William Mathers, who was, in 1979, the first Republican President of the Senate.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 12, SB 60, SB 69, SB 99.
Considered correctly engrossed: SB 63, SJR 4.
Correctly enrolled: SB 14.
Examined by the sponsor (Mazurek) and found to be correct: SB 14.
Signed by the President at 11:20 a.m., 1/19/83: SB 14.
Delivered to the Governor for his approval at 2:40 p.m., 1/19/83: SB 14.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
SB 62, introduced bill, be amended as follows:

1. Page 1, line 23.
Following: "~~has~~"
Strike: "does"
Insert: "will"

2. Page 1, line 24.
Following: "in"
Strike: "any other"
Insert: "more than one"

3. Page 2, line 2.
Following: "~~family~~"
Insert: "or any member of his immediate family"

4. Page 3, line 8.
Following: "~~has~~"
Strike: "does"
Insert: "will"

5. Page 3, line 9.
Following: "in"
Strike: "any other"
Insert: "more than one"

6. Page 3, line 12.

Following: "~~family~~"
Insert: "or any member of his immediate family"

7. Page 4, line 14.
Following: "(i)"
Insert: "neither"
Following: "applicant"
Insert: "nor any member of his immediate family"
Following: "has"
Strike: "no"
Insert: "an"

8. Page 4, line 17.
Following: "(ii)"
Insert: "neither"
Following: "applicant"
Insert: "nor any member of his immediate family"
Following: "has"
Strike: "no"

And, as amended, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
SB 10, do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):

Consent Calendar

Bill unanimously passed and unanimously placed on consent calendar:

SB 20, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 82, introduced bill, be amended as follows:

1. Title, line 6.
Following: "DISABILITIES"
Insert: "FOR HANDICAPPED INDIVIDUALS"

2. Title, lines 7 through 10.
Following: "WAR;"
Strike: remainder of the title through "61-3-333, MCA;"

3. Pages 1 through 4.
Strike: all of the bill following the enacting clause
Insert: "Section 1. Special license plates — disabled veteran. A motor vehicle owner and resident of this state who is a veteran of the armed services of the United States and is 100% disabled because of an injury which has been determined by the veterans administration to be service connected, upon written application on form prescribed by the division, must be issued license plates inscribed with the words "disabled veteran", or such abbreviation as the division considers appropriate, and three or four consecutive numbers.

Section 2. Special license plates — ex-prisoner of war. A motor vehicle owner and resident of this state who is a veteran of the armed services of the United States and was captured and held prisoner by a military force of a foreign nation, documented by his service record, upon written application on the form prescribed by the division, must be issued license plates inscribed with the words "ex-prisoner of war", or such abbreviation as the division considers appropriate, and three or four consecutive numbers.

Section 3. Special license plates — the handicapped. A motor vehicle owner and resident of this state who is eligible to receive a special parking permit from the division under 49-4-301, upon written application on a form prescribed by the division, must be issued license plates inscribed with the words "handicapped", or such abbreviation or symbol as the division considers appropriate, and three or four consecutive numbers.

Section 4. Retention of special license plates. If during a registration year, the holder of special license plates issued under [section 1, 2, or 3] disposes of the vehicle to which the plates are affixed, he shall retain the plates and affix them to another vehicle that meets the requirements of [section 1, 2, or 3].

Section 5. Codification instruction. Sections 1 through 4 are intended to be codified as an integral part of Title 61, chapter 3, and the provisions of Title 61, chapter 3, apply to sections 1 through 4.

Section 6. Effective date. This act is effective January 1, 1984."

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):

SB 18, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Boylan, Christiaens, Conover, Crippen, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 36

Noes: Berg, Blaylock, Daniels, Elliott, Haffey, Halligan, Jacobson, Lynch, R. Manning, Stimatz, Van Valkenburg.
Total 11

Excused: Graham, Severson.
Total 2

Absent or not voting: Brown.
Total 1

SB 77, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Conover, Crippen, Eck, Etchart, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, D. Manning, McCallum, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Mr. President.
Total 28

Noes: Berg, Christiaens, Daniels, Dover, Elliott, Fuller, Gage, Haffey, Halligan, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, Mohar, Thomas, Van Valkenburg.
Total 20

Excused: Graham, Severson.
Total 2

Absent or not voting: None.
Total 0

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 1/18/83

HB 27, introduced by Koehnke

HB 82, introduced by Manuel

HB 87, introduced by Dozier

HB 133, introduced by Williams

MOTIONS

Senator R. Manning moved that the Senate reconsider its action on SB 77. Motion carried as follows:

Ayes: Berg, Blaylock, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Haffey, Halligan, Jacobson, Keating, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Smith, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 30

Noes: Aklestad, Boylan, Brown, Conover, Etchart, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Kolstad, McCallum, Ochsner, Shaw, Turnage, Tveit, Mr. President.
Total 18

Excused: Graham, Severson.
Total 2

Absent or not voting: None.
Total 0

Senator R. Manning moved that SB 77 be placed on second reading. Motion carried unanimously.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 201, introduced by Turnage, Hazelbaker, B. Brown. Referred to Committee on Judiciary.

SB 202, introduced by Towe, Eck, Roush. Referred to Committee on Local Government.

SB 203, introduced by Towe, Blaylock, Regan, Hager, Crippen, Addy, Sands, Keating, Ramirez. Referred to Committee on Judiciary.

SB 204, introduced by Keating, Gage, Tveit, E. Smith, Peck, Bachini. Referred to Committee on Taxation.

SB 205, introduced by Eck, Bardanouve, Fagg, Lee, (By Request of the Department of Administration). Referred to Committee on State Administration.

SB 206, introduced by Gage, (By Request of the Department of Commerce). Referred to Committee on Business and Industry.

SB 207, introduced by Gage, (By Request of the Department of Commerce). Referred to Committee on Business and Industry.

SB 208, introduced by Jacobson, Vincent, Menahan, Eck, Norman, Keenan, Fabrega, Bergene, Himsl, Stephens, Regan, Marbut, Mazurek. Referred to Committee on Public Health, Welfare and Safety.

SB 209, introduced by Dover, Schultz, (By Request of the Department of Institutions). Referred to Committee on Public Health, Welfare and Safety.

SB 210, introduced by Dover, H. Hammond, Schultz, Mohar, Berg, Blaylock, Fabrega, Fuller, Dozier, Harper, Lynch, Gage, Haffey, Shontz, Hart, (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.

SB 211, introduced by Fuller, D. Brown, Christiaens, (By Request of the Public Employees' Retirement Board). Referred to Committee on State Administration.

SB 212, introduced by Fuller, (By Request of the Department of Commerce). Referred to Committee on Highways and Transportation.

SB 213, introduced by Dover, Gage, Keating, (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.

SB 214, introduced by E. Smith, Towe, Holliday, J. Brown, Mazurek, (By Request of the Department of Institutions). Referred to Committee on Public Health, Welfare and Safety.

SB 215, introduced by Dover, Gage, Keating, (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.

SB 216, introduced by Stimatz, (By Request of the Public Employees' Retirement Division). Referred to Committee on State Administration.

SB 217, introduced by Haffey, Stimatz, (By Request of the Office of Budget and Program Planning). Referred to Committee on State Administration.

SB 218, introduced by Van Valkenburg. Referred to Committee on Judiciary.

SB 219, introduced by Van Valkenburg, Ream. Referred to Committee on Local Government.

SB 220, introduced by Daniels, (By Request of the Department of Institutions). Referred to Committee on Judiciary.

SB 221, introduced by Norman, Hand. Referred to Committee on Business and Industry.

SB 222, introduced by Norman, Hand. Referred to Committee on Local Government.

SB 223, introduced by Stimatz, Pavlovich, Haffey, Daniels, Quilici, J. Jensen, R. Manning, Jacobson, Lynch, Daily, Menahan, Dozier, Keenan, Harrington, Driscoll, O'Connell, Holliday, D. Manning, Keyser, Christiaens, D. Brown, McCormick, Pistoria, Hand, Berg, Fuller. Referred to Committee on Business and Industry.

SB 224, introduced by Tveit, C. Smith, Gage, Lee, Kolstad, Williams, Norman, Berg, Jacobson, R. Manning, Graham, H. Hammond, Keating, Stephens, Hager, Marbut, Shaw, Crippen, Shontz, Kemmis, Bertelsen, Story, Lane, Turnage, Lynch, Daniels, Haffey, Neuman, O'Connell, Mohar, Boylan, Stimatz, Hazelbaker, Harper, Hand, Eudaily, Asay, Thoft, McCallum, Solberg, Ream, Keenan, Fagg, J. Jensen, Pistoria, Brand, Driscoll, Waldron, Thomas, Kitselman, Peck, Miller, Metcalf, Goodover, J. Hammond, Seifert, Sands, Nordtvedt, Devlin, Bergene, Harrington, Winslow, Nilson, Darko, Hemstad, Harp, Lory, Eck, B. Brown, Mazurek, (By Request of the Secretary of State). Referred to Committee on Fish and Game.

SB 225, introduced by Daniels, (By Request of the Department of Institutions). Referred to Committee on Judiciary.

SB 226, introduced by Crippen. Referred to Committee on Judiciary.

SB 227, introduced by Towe, (By Request of the Department of Commerce). Referred to Committee on Taxation.

SB 228, introduced by R. Manning, Christiaens, Stimatz, Thomas, Lynch, Eck, Towe, Jacobson, Regan, Haffey, Pistoria, Farris. Referred to Committee on Business and Industry.

SJR 9, introduced by Mohar. Referred to Committee on State Administration.

SJR 10, introduced by Van Valkenburg, Addy, Haffey, Berg, Eck, Norman, Kadas, Mohar, Towe, Regan, Blaylock. Referred to Committee on Public Health, Welfare and Safety.

The following House bills were introduced, read first time, and referred to committees:

HB 27, introduced by Koehnke, Sales, Ellerd, Lybeck, Connelly. Referred to Committee on Judiciary.

HB 82, introduced by Manuel, Ellerd, (By Request of the Legislative Audit Committee). Referred to Committee on Agriculture, Livestock and Irrigation.

HB 87, introduced by Dozier, Pavlovich, Driscoll, Zabrocki. Referred to Committee on Highways and Transportation.

HB 133, introduced by Williams, (By Request of the Revenue Oversight Committee). Referred to Committee on Taxation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Eck in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 58 - That SB 58, without objection, be moved to the bottom of the board.

SB 79 - That SB 79 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 102 - That SB 102 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.

Total 0

Excused: Graham, Severson.
Total 2

Absent or not voting: None.
Total 0

HB 15 - That HB 15 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham, Severson.
Total 2

Absent or not voting: None.
Total 0

HB 20 - That HB 20 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Elliott.
Total 1

Excused: Graham, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 58 - That consideration on SB 58 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham, Severson.
Total 2

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. President Pro Tempore Kolstad in the Chair. Chairman Eck moved the adoption of the committee report. Report adopted.

President Stephens excused at 3:37 p.m.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 7 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 46

Noes: None.
Total 0

Excused: Graham, Severson, Mr. President.
Total 3

Absent or not voting: Tveit.
Total 1

SB 35 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: Graham, Severson, Mr. President.
Total 3

Absent or not voting: None.
Total 0

SB 36 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 46

Noes: None.

Total 0

Excused: Graham, Severson, Mr. President.
Total 3

Absent or not voting: Elliott.
Total 1

SB 66 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 46

Noes: None.
Total 0

Excused: Graham, Severson, Mr. President.
Total 3

Absent or not voting: Smith.
Total 1

SB 75 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: Graham, Severson, Mr. President.
Total 3

Absent or not voting: None.
Total 0

HB 2 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: Graham, Severson, Mr. President.
Total 3

Absent or not voting: None.
Total 0

SJR 6 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: Graham, Severson, Mr. President.
Total 3

Absent or not voting: None.
Total 0

At the request of Senator McCallum, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator McCallum moved that SB 77 be taken from printing and that it be referred to the Committee on Local Government. Motion carried as follows:

Ayes: Aklestad, Boylan, Brown, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, D. Manning, R. Manning, Marbut, McCallum, Norman, Ochsner, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 38

Noes: Berg, Blaylock, Christiaens, Eck, Lynch, Mazurek, Mohar, Regan, Tveit.
Total 9

Excused: Graham, Severson, Mr. President.
Total 3

Absent or not voting: None.
Total 0

Senator Brown moved that SB 157 be taken from the Committee on State Administration and that it be referred to the Committee on Education and Cultural Resources. Motion carried unanimously.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 3:53 p.m., until Thursday, January 20, 1983, at the hour of 3:00 p.m.

ALLEN C. KOLSTAD
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTEENTH LEGISLATIVE DAY

Helena, Montana
January 20, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Pro Tempore Kolstad presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Graham, Severson, Stephens, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the fifteenth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 10, SB 20, SB 62, SB 82.
Considered correctly engrossed: SB 79, SB 102.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman):
SB 149, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 149

A statement of intent is required for this bill because it delegates rulemaking authority to the Board of Public Education to adopt rules for issuance of documents certifying equivalency of completion of secondary education.

While the Board has clearly delineated rulemaking authority to adopt standards of accreditation and establish the accreditation status of every school, its rulemaking authority has only been implied in the area of setting standards for documents which state that an eligible applicant has satisfied requirements for equivalency of completion of secondary education.

At the recommendation of the Administrative Code Committee the Board requested legislation specifically providing the Board with the authority to adopt policies for the issuance of high school equivalency certificates and to direct the Superintendent of Public Instruction to issue those certificates.

The bill gives the Board the express rulemaking authority to adopt rules in the area of high school equivalency certificates. It is contemplated that:

(a) the Board's current roles in this area will be amended to show proper authority and implementation;

(b) the Board may adopt rules required for other types of programs of similar nature.

SB 153, do pass. Report adopted.

JUDICIARY (Turnage, Chairman):
SB 2, do pass. Report adopted.
SB 65, introduced bill, be amended as follows:

1. Title, line 4.
Following: "AN ACT"

Strike: "TO CLARIFY THAT WHENEVER A PERSON IS FOUND GUILTY OF TWO OR MORE CRIMINAL OFFENSES IN THE SAME PROCEEDING, ANY PERMISSIBLE SENTENCE MAY BE IMPOSED FOR EACH OFFENSE"
Insert: "TO INCREASE THE TIME FOR WHICH SENTENCE FOR ANY OFFENSE MAY BE DEFERRED OR SUSPENDED IF RESTITUTION IS IMPOSED"

2. Page 1, lines 13 and 14.
Following: "~~an offense~~"
Strike: remainder of line 13 through "proceeding" on line 14
Insert: "an offense"

3. Page 1, line 15.
Following: "court may"
Strike: ", with respect to each offense"

4. Page 1, line 18.
Following: "period"
Insert: ", except as otherwise provided,"
Following: "~~any~~"
Strike: "each"
Insert: "any"

5. Page 1, line 19.
Following: "~~any~~"
Strike: "each"
Insert: "any"

6. Page 2, line 2.
Following: "restitution"
Insert: ", as provided in subsection (2)"

7. Page 2, line 14.
Following: "~~the~~"
Strike: "each"
Insert: "the"

8. Page 3.
Following: line 2
Insert: "(2) If restitution is imposed as a condition under subsection (1)(a) or (1)(b), sentence may be deferred or suspended for a period not exceeding 2 years for any misdemeanor or for a period not exceeding 6 years for any felony, regardless of whether any other conditions are imposed."
Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

SB 127, introduced bill, be amended as follows:

1. Title, line 10.
Following: "POLICE OFFICERS"
Insert: "; ALLOWING THE BOARD OF CRIME CONTROL TO GRANT EXTENSIONS TO THE TIME FOR COMPLIANCE WITH THOSE STANDARDS"

2. Page 4.
Following: line 19
Insert: "(6) The board of crime control may extend the 1 year time requirements of subsections (a) and (c) upon the written application of the peace officer and the appointing authority of the officer. The

application must explain the circumstances which make the extension necessary. Factors which the board may consider in granting or denying the extension include but are not limited to: illness of the peace officer or a member of his immediate family; absence of reasonable access to the basic course or the legal training course; and an unreasonable shortage of manpower within the department. The board may not grant an extension to exceed 180 days."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

HB 10, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, Chairman):

SB 70, introduced bill, be amended as follows:

1. Page 1, line 19.
Strike: "(including nurse practitioner, nurse-midwife, or nurse-anesthetist)"
Insert: "as specifically listed in 37-8-202"

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):

SB 22, introduced bill, be amended as follows:

1. Page 1, line 21.
Following: "resident"
Insert: "or his spouse"

2. Page 1, line 25.
Following: "resident"
Insert: "or his spouse"

3. Page 1, line 24.
Following: "old"
Insert: "or weighing less than 40 pounds"

4. Page 2, line 7.
Following: "resident"
Insert: "or his spouse"

5. Page 3, line 3.
Following: "punishable"
Strike: "as provided in 61-9-511"
Insert: "by a fine of not less than $10 or more than $25, a second or subsequent conviction within three years is punishable by a fine of not less than $25 or more than $100"

And, as amended, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 22

A statement of legislative intent is required for this bill because the bill authorizes the Division of Motor Vehicles of the Department of Justice, consistent with 61-9-504, to adopt rules prescribing standards for child safety restraint systems to be approved for installation in vehicles owned by residents of Montana. The intention is that the standards adopted incorporate federal standards that specify requirements for child restraint systems and seatbelts used in motor vehicles and prescribe proper procedures for restraining a child under 4 years old with acknowledgment of

certain exemptions allowed in [SB 22]. The rules should also provide for informational activity to bring the new rules to the awareness of the public.

SB 61, do pass. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 48, introduced bill, be amended as follows:

1. Title, line 5.
Following: "BALLOTS"
Strike: "TO BE USED IN VOTING MACHINES AND DEVICES"

2. Title, line 10.
Following: "AMENDING"
Strike: "SECTIONS 13-17-206 AND"
Insert: "SECTION"

3. Page 1, lines 14 through 19.
Following: line 13
Strike: section 1 in its entirety
Renumber: subsequent section

4. Page 2, line 17.
Following: "If"
Strike: "a county uses voting machines or devices and if"

5. Page 2, line 18.
Following: "requests"
Insert: "in writing at the time ballots from that county are submitted to the secretary of state for certification"

6. Page 2, line 18.
Following: "requests,"
Strike: "voting machine or device"
Insert: "such"

7. Page 2, line 20.
Following: "(2)(a)"
Insert: ", (2)(e),"

8. Page 2, line 21.
Following: "requests"
Strike: ","

9. Page 2, line 24.
Following: "election"
Strike: "registrar"
Insert: "judge"

And, as amended, do pass. Report adopted.

JUDICIARY (Turnage, Chairman):
SB 78, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Boylan, Brown, Conover, Crippen, Daniels, Elliott, Etchart, Fuller, Gage, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, D. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Shaw, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 32

Noes: Berg, Blaylock, Christiaens, Dover, Eck, Galt, Jacobson, Lee, Lynch, R. Manning, Mohar, Regan, Smith, Stimatz, Story.
Total 15

Excused: Graham, Severson, Mr. President.
Total 3

Absent or not voting: None.
Total 0

HB 13, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 44

Noes: Aklestad, Mazurek, Story.
Total 3

Excused: Graham, Severson, Mr. President.
Total 3

Absent or not voting: None.
Total 0

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate bill concurred in on third reading consent calendar and returned to the Senate: 1/19/83

SB 15, introduced by Mazurek

House bill passed on third reading consent calendar and transmitted to the Senate for concurrence: 1/19/83

HB 111, introduced by Hanson

House bills passed and transmitted to the Senate for concurrence: 1/19/83

HB 32, introduced by Holliday

HB 47, introduced by Schultz

HB 96, introduced by Yardley

HB 119, introduced by Mueller

HB 124, introduced by Eudaily

HB 125, introduced by Hansen

HB 138, introduced by Eudaily

HB 140, introduced by Eudaily

HB 150, introduced by Peck

MOTIONS

Senator Crippen moved that SB 69 be taken from second reading and that it be referred to the Committee on Labor and Employment Relations. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, D. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg.
Total 38

Noes: Berg, Eck, Haffey, Jacobson, Lynch, R. Manning, Mohar, Regan, Towe.
Total 9

Excused: Graham, Severson, Mr. President.
Total 3

Absent or not voting: None.
Total 0

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 229, introduced by Halligan, Van Valkenburg, Mazurek, B. Brown. Referred to Committee on Business and Industry.
SB 230, introduced by McCallum. Referred to Committee on State Administration.
SB 231, introduced by Keating, Harp, C. Smith, Jones, Hand, Gage, Lee. Referred to Committee on Taxation.
SB 232, introduced by Regan, (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Public Health, Welfare and Safety.
SB 233, introduced by Marbut, Dover, Story, Etchart, Hager, Bertelsen, McCallum, Ochsner, Berg. Referred to Committee on Agriculture, Livestock and Irrigation.
SB 234, introduced by Marbut, Eudaily, Halligan, Van Valkenburg. Referred to Committee on Local Government.
SB 235, introduced by Haffey, Donaldson, Van Valkenburg, Peck, Winslow, Marks, (By Request of the Legislative Finance Committee). Referred to Committee on State Administration.
SB 236, introduced by Crippen. Referred to Committee on Judiciary.
SB 237, introduced by Halligan, Asay, Swift, Hannah, Boylan, Eck. Referred to Committee on Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 32, introduced by Holliday. Referred to Committee on Highways and Transportation.
HB 47, introduced by Schultz, (By Request of the Administrative Code Committee). Referred to Committee on State Administration.
HB 96, introduced by Yardley, (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Public Health, Welfare and Safety.
HB 111, introduced by Hanson, Ellison, Ochsner, (By Request of the Department of Livestock). Referred to Committee on Agriculture, Livestock and Irrigation.
HB 119, introduced by Mueller, Keyser, Darko, Bergene. Referred to Committee on Judiciary.
HB 124, introduced by Eudaily, (By Request of the Secretary of State). Referred to Committee on Education and Cultural Resources.

HB 125, introduced by Hansen, Kemmis, Farris, Holliday, J. Hammond, J. Brown, Van Valkenburg. Referred to Committee on Taxation.

HB 138, introduced by Eudaily, Lory, Ream, J. Hammond, Waldron, Kadas, Hansen, Veleber. Referred to Committee on State Administration.

HB 140, introduced by Eudaily, Lory, (By Request of the Teachers' Retirement Division). Referred to Committee on Education and Cultural Resources.

HB 150, introduced by Peck, Swift, H. Hammond, Bachini, Bardanouve, Christiaens, Sands. Referred to Committee on Judiciary.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Elliott in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 58 - That SB 58, second reading copy, be amended as follows:

1. Title, line 1.
Following: "THE"
Insert: "ATTORNEY GENERAL,"

2. Page 1, line 12.
Following: "1."
Insert: "Attorney general,"
Strike: "State"
Insert: "state"

3. Page 1, line 14.
Following: "The"
Insert: "attorney general,"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: Graham, Severson, Mr. President.
Total 3

Absent or not voting: None.
Total 0

That SB 58, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl,

Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: Graham, Severson, Mr. President.
Total 3

Absent or not voting: None.
Total 0

SB 12 - That SB 12 do pass. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Haffey, Halligan, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg.
Total 36

Noes: Aklestad, Crippen, Dover, Galt, Hager, Hammond, Himsl, Norman, Story.
Total 9

Excused: Graham, Severson, Mr. President.
Total 3

Absent or not voting: Brown, Tveit.
Total 2

SB 60 - That SB 60 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: Graham, Severson, Mr. President.
Total 3

Absent or not voting: None.
Total 0

Senator Boylan introduced Dr. Harris of Park County, a former member of the Senate.

SB 99 - That SB 99 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: Graham, Severson, Mr. President.
Total 3

Absent or not voting: None.
Total 0

Joint Rules - That amendments to Joint Rules be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: Graham, Severson, Mr. President.
Total 3

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. President Pro Tempore Kolstad in the Chair. Chairman Elliott moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 63 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: Graham, Severson, Mr. President.
Total 3

Absent or not voting: None.
Total 0

SJR 4 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning,

Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: Graham, Severson, Mr. President.
Total 3

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

SB 20, which was on the consent calendar for 1/20/83, was placed on second reading for 1/21/83 at the request of Senators Blaylock, Regan, and Eck.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 3:44 p.m., until Friday, January 21, 1983, at the hour of 3:00 p.m.

ALLEN C. KOLSTAD
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTEENTH LEGISLATIVE DAY

Helena, Montana
January 21, 1983

Senate Chambers
State Capitol

Senate convened at 3:01 p.m., President Pro Tempore Kolstad presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Crippen, Etchart, Ochsner, Severson, Stephens, Thomas, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the sixteenth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 2, SB 48, SB 61, SB 65, SB 70, SB 127, SB 149, SB 153.
Correctly engrossed: SB 12, SB 58, SB 60, SB 99.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
SB 160, do pass. Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
SB 128, do pass. Report adopted.
SB 151, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
SB 91, do pass. Report adopted.
SB 122, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, Chairman):
SB 81, do pass. Report adopted.
SB 88, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SJR 7, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

January 21, 1983

Dear Mr. President:

This is to inform you that I have signed the following measure this date:

Senate bill 14.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 1/20/83

HB 30, introduced by Lory

HB 107, introduced by Sales

MOTIONS

Senator R. Manning moved that the Senate reconsider its action on SB 78. Motion failed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Galt, Graham, Haffey, Halligan, Jacobson, Lynch, D. Manning, R. Manning, Marbut, Mohar, Norman, Regan, Stimatz, Story, Van Valkenburg.
Total 21

Noes: Aklestad, Boylan, Brown, Crippen, Dover, Elliott, Fuller, Gage, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Mazurek, McCallum, Shaw, Smith, Towe, Turnage, Tveit, Mr. President.
Total 25

Paired: Blaylock, Regan, Ayes; Crippen, Mr. President, Noes.

Excused: Etchart, Ochsner, Severson, Thomas.
Total 4

Absent or not voting: None.
Total 0

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 238, introduced by Ochsner, McCallum, Holliday, Manuel, Hanson, Abrams, Pavlovich, Gage, (By Request of the Department of Agriculture). Referred to Committee on Agriculture, Livestock and Irrigation.

SB 239, introduced by Keating, Crippen, Lee. Referred to Committee on Highways and Transportation.

SB 240, introduced by McCallum, Fabrega, E. Smith, Ellison, Ochsner, Donaldson, Gage, Jacobson, Kitselman, Stimatz, Quilici, Haffey, Berg, Marbut, Lynch, Thomas, (By Request of the Legislative Finance Committee). Referred to Committee on Education and Cultural Resources.

SB 241, introduced by Lee, Fabrega, Kolstad, Goodover, Iverson, Gage. Referred to Committee on Taxation.

SB 242, introduced by Gage, Towe, (By Request of the Revenue Oversight Committee). Referred to Committee on Taxation.

SB 243, introduced by Towe, (By Request of the Department of Revenue). Referred to Committee on Taxation.

SB 244, introduced by Towe, (By Request of the Department of Revenue). Referred to Committee on Taxation.

SB 245, introduced by D. Manning, Towe, (By Request of the Department of Highways). Referred to Committee on Highways and Transportation.

SB 246, introduced by B. Brown. Referred to Committee on State Administration.

SB 247, introduced by B. Brown, Blaylock, Story, Brand, O'Connell, Metcalf, Peck, Connelly, Hart, Harp, Yardley, Bachini, (By Request of the Revenue Oversight Committee). Referred to Committee on Taxation.

SB 248, introduced by Towe, Addy. Referred to Committee on Judiciary.

SB 249, introduced by Towe, Fabrega. Referred to Committee on Business and Industry.

SB 250, introduced by Goodover, Fabrega, Lee, Keating, Kitselman, Miller, Vinger, Waldron, Addy, Gage, (By Request of the Board of Housing). Referred to Committee on Business and Industry.

SB 251, introduced by Goodover, Lee, Gage, Fabrega, Kitselman, Miller, Vinger, Waldron, Addy, Keating, (By Request of the Board of Housing). Referred to Committee on Business and Industry.

SB 252, introduced by Goodover, Fabrega. Referred to Committee on Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 30, introduced by Lory. Referred to Committee on Education and Cultural Resources.

HB 107, introduced by Sales, (By Request of the Secretary of State). Referred to Committee on State Administration.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Haffey in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 10 - That SB 10 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg.
Total 44

Noes: None.
Total 0

Excused: Crippen, Etchart, Ochsner, Severson, Thomas, Mr. President.
Total 6

Absent or not voting: None.
Total 0

SB 20 - That SB 20, third reading copy, be amended as follows:

1. Page 1, line 15.
Strike: "in"

2. Page 1, line 16.
Following: line 15
Insert: "on the third floor of"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg.

Total 44

Noes: None.
Total 0

Excused: Crippen, Etchart, Ochsner, Severson, Thomas, Mr. President.
Total 6

Absent or not voting: None.
Total 0

That SB 20, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg.
Total 44

Noes: None.
Total 0

Excused: Crippen, Etchart, Ochsner, Severson, Thomas, Mr. President.
Total 6

Absent or not voting: None.
Total 0

SB 62 - That consideration on SB 62 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg.
Total 44

Noes: None.
Total 0

Excused: Crippen, Etchart, Ochsner, Severson, Thomas, Mr. President.
Total 6

Absent or not voting: None.
Total 0

SB 82 - That SB 82 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg.
Total 43

Noes: Blaylock.
Total 1

Excused: Crippen, Etchart, Ochsner, Severson, Thomas, Mr. President.

Total 6

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. President Pro Tempore Kolstad in the Chair. Chairman Haffey moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 79 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg.
Total 43

Noes: None.
Total 0

Excused: Crippen, Etchart, Ochsner, Severson, Thomas, Mr. President.
Total 6

Absent or not voting: D. Manning.
Total 1

SB 102 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg.
Total 43

Noes: None.
Total 0

Excused: Crippen, Etchart, Ochsner, Severson, Thomas, Mr. President.
Total 6

Absent or not voting: D. Manning.
Total 1

HB 15 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg.
Total 43

Noes: None.

Total 0

Excused: Crippen, Etchart, Ochsner, Severson, Thomas, Mr. President.
Total 6

Absent or not voting: D. Manning.
Total 1

HB 20 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Smith, Stimatz, Story, Towe, Tveit, Van Valkenburg.
Total 39

Noes: Aklestad, Himsl, Shaw, Turnage.
Total 4

Excused: Crippen, Etchart, Ochsner, Severson, Thomas, Mr. President.
Total 6

Absent or not voting: D. Manning.
Total 1

At the request of Senator Turnage, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Turnage moved that SB 62 be taken from second reading and that it be referred to the Committee on Business and Industry. Motion carried unanimously.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 3:32 p.m., until Saturday, January 22, 1983, at the hour of 9:00 a.m.

ALLEN C. KOLSTAD
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTEENTH LEGISLATIVE DAY

Helena, Montana
January 22, 1983

Senate Chambers
State Capitol

Senate convened at 9:00 a.m., President Pro Tempore Kolstad presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Berg, Crippen, Keating, Severson, Stephens, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the seventeenth legislative day, find the same to be correct.

Tveit, Chairman

Without objection, the Senate was on Order of Business No. 12.

ANNOUNCEMENTS

Senator Gage introduced former Senator Harold Nelson from Cut Bank, and Senator Goodover introduced former Senator Jesse O'Hara from Great Falls.

At the request of President Pro Tempore Kolstad, and without objection, the Senate reverted to Order of Business No. 1.

COMMUNICATIONS AND PETITIONS

President Pro Tempore Kolstad had the following letter distributed to the Senators from Attorney General Mike Greely:

ELECTIONS - Election of state senators, length of term of office after reapportionment;

LEGISLATURE - Length of term of office of state senators after reapportionment;

REAPPORTIONMENT - Length of term of office of state senators after reapportionment;

OPINIONS OF THE ATTORNEY GENERAL - 40 Op. Attorney General No. 1 (1983);

MONTANA CONSTITUTION - Article V, sections 3 and 14.

HELD: The terms of office of members of the Montana State Senate who were elected in 1982 may not be shortened as a result of reapportionment and redistricting.

January 21, 1983

Senator Stan Stephens
Office of the President
Montana State Senate
P.O. Box 156, Capitol Station
Helena, Montana 59620

Dear Senator Stephens:

You have requested my opinion as to whether the terms of office of members of the Montana State Senate who were elected in 1982 must be shortened as a result of reapportionment and redistricting.

As you noted in your request, I recently issued an opinion concerning a similar inquiry having to do with the terms of office of Missoula aldermen.

See 40 Op. Attorney General No. 1 (1983). That opinion concluded that aldermen elected to four-year terms in 1981 did not need to run for re-election in 1983 as a result of reapportionment and redistricting. The conclusion was based on the fact that Montana state law provided for four-year terms for aldermen, without establishing any procedure for shortening the terms after reapportionment. No Montana Supreme Court decision has been rendered on this issue, so research of the law in other states was necessary. This research disclosed a number of court decisions in jurisdictions where similar questions had arisen. Those decisions hold that unless there is a constitutional or statutory provision authorizing shortened terms, an elected official whose term runs beyond the reapportionment year may be held over for the duration of the term for which he or she was elected without resulting in a violation of the notions of equal protection and representative government. I refer you to the cases cited in the Missoula aldermen opinion.

With respect to the terms of State Senators, the Montana Constitution, Mont. Const. art. V, § 3, provides for four-year terms on a staggered basis. The 1972 Constitution's Transition Schedule contained a procedure for all Senate terms to end on December 31, 1974, and for the State Senators subsequently elected to draw lots to establish a term of two years for one-half of their number. This provision specifically applied to the first election of state legislators to take place after the reapportionment plan became effective in February, 1974, and was necessary to implement the 1972 Constitution's new requirement of staggered terms for State Senators. That section of the Transition Schedule was to be removed from the Constitution as soon as it had been executed. The provisions of section 5, Terms of Legislators, were executed and certified by a letter from the Attorney General to the Secretary of State on March 24, 1977.

The transcripts of the 1972 Constitutional Convention include a brief discussion by delegates as to whether terms of State Senators should be shortened upon reapportionment. See March 7, 1972, transcript at 1568-69. The discussion is inconclusive with one delegate suggesting that if the terms were to be shortened the convention should specifically address that issue, and another delegate noting that the courts would deal with the problem. Even if the transcripts were clear as to the constitutional delegates' intent, the courts would not consider them unless there is some ambiguity in the language of the Constitution. See Sutherland, Statutes and Statutory Construction (1973) at § 46.04. The language of Montana Constitution art. V, § 3 is clear. State Senators shall be elected for a term of four years. The Montana Constitution and Montana statutes provide no authority for changing those terms after reapportionment. The terms of those members of the State Senate who were elected in 1982 do not expire until 1986.

The reapportionment plan is the responsibility of the Montana Districting and Apportionment Commission. The Commission has the inherent authority under the Montana Constitution article V, section 14 to do what is necessary to implement a plan that complies with the State's laws. See Cargo v. Paulus, 635 P.2d 367 (1981). This means that the Commission must not only redraw district boundaries, but also designate the election dates for the new districts. Various states have handled the details of reapportionment differently with respect to how holdover Senators fit into the reapportionment plan. In Montana, these details are the responsibility of the Districting and Apportionment Commission.

THEREFORE, IT IS MY OPINION:

The terms of office of members of the Montana State Senate who were elected in 1982 may not be shortened as a result of reapportionment and redistricting.

Very truly yours,

MIKE GREELY
Attorney General

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 22, SB 81, SB 88, SB 91, SB 122, SB 128, SB 151, SB 160, SJR 7.
Correctly engrossed: SB 10, SB 82.

STATE ADMINISTRATION (Story, Chairman):
SB 33, do pass. Report adopted.
SB 45, introduced bill, be amended as follows:

1. Page 3, line 11.
Following: "comments,"
Strike: "and"
Insert: "or"

2. Page 3, line 12.
Following: line 11
Insert: "submitted by the public or the agency and"

And, as amended, do pass. Report adopted.

SB 100, introduced bill, be amended as follows:

1. Title, line 8.
Strike: "15-31-114,"

2. Title, lines 10 through 12.
Strike: "AMENDING SECTION 4, CHAPTER 520, LAWS OF 1981, AND PROVIDING AN IMMEDIATE EFFECTIVE DATE FOR SUCH AMENDMENT;"

3. Page 8, line 13.
Strike: section 11 in its entirety
Renumber: subsequent sections

4. Page 18, line 7.
Strike: sections 19 through 21 in their entirety
Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 123, do pass. Report adopted.
SB 49, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Eck, Etchart, Fuller, Graham, Haffey, Halligan, Jacobson, Lane, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 27

Noes: Aklestad, Dover, Elliott, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Kolstad, Lee, McCallum, Shaw, Smith, Turnage, Tveit.
Total 17

Excused: Berg, Crippen, Keating, Severson, Mr. President.
Total 5

Absent or not voting: Lynch.
Total 1

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 1/21/83

HB 143, introduced by Ernst

HB 148, introduced by Keyser

HB 164, introduced by Donaldson

HB 167, introduced by Sands

HB 171, introduced by Williams

HB 173, introduced by Smith

HB 208, introduced by Keyser

MOTIONS

Senator Story moved that SB 166 be taken from the Committee on Education and Cultural Resources and that it be referred to the Committee on State Administration. Motion carried unanimously.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 253, introduced by Regan, Blaylock, (By Request of the Board of Public Education). Referred to Committee on Education and Cultural Resources.
SB 254, introduced by Berg, Elliott, Himsl, Christiaens. Referred to Committee on Taxation.
SB 255, introduced by Fuller. Referred to Committee on Local Government.
SB 256, introduced by Story. Referred to Committee on Public Health, Welfare and Safety.
SB 257, introduced by R. Manning, Towe, Stimatz, Christiaens, Tveit, Lee, Keating, Hazelbaker. Referred to Committee on Fish and Game.
SB 258, introduced by Thomas, Lee, Shaw, H. Hammond, Ellerd, Devlin, Boylan, Goodover, Tveit, Pavlovich, Gage, Hand, Miller. Referred to Committee on State Administration.
SB 259, introduced by Jacobson, McBride, (By Request of the Legislative Audit Committee). Referred to Committee on State Administration.
SB 260, introduced by Halligan. Referred to Committee on Judiciary.
SB 261, introduced by Halligan, Yardley, Veleber, Addy. Referred to Committee on Business and Industry.
SB 262, introduced by Towe. Referred to Committee on Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 143, introduced by Ernst, (By Request of the Board of Crime Control). Referred to Committee on Judiciary.
HB 148, introduced by Keyser, Schultz, Hand, Roush. Referred to Committee on Judiciary.

HB 164, introduced by Donaldson, Winslow. Referred to Committee on Agriculture, Livestock and Irrigation.

HB 167, introduced by Sands, (By Request of the Secretary of State). Referred to Committee on State Administration.

HB 171, introduced by Williams, Yardley. Referred to Committee on Local Government.

HB 173, introduced by C. Smith, Jones, Harp, Eudaily, Solberg, (By Request of the Secretary of State). Referred to Committee on State Administration.

HB 208, introduced by Keyser, Schultz, Hand, Quilici. Referred to Committee on Local Government.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Goodover in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 2 - That SB 2 do pass. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 45

Noes: None.
Total 0

Excused: Berg, Crippen, Keating, Severson, Mr. President.
Total 5

Absent or not voting: None.
Total 0

SB 48 - That SB 48, without objection, be moved to the bottom of the board.

SB 61 - That SB 61 do pass. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 45

Noes: None.
Total 0

Excused: Berg, Crippen, Keating, Severson, Mr. President.
Total 5

Absent or not voting: None.
Total 0

SB 65 - That SB 65, without objection, be moved to the bottom of the board.

SB 70 - That SB 70 do pass. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 45

Noes: None.
Total 0

Excused: Berg, Crippen, Keating, Severson, Mr. President.
Total 5

Absent or not voting: None.
Total 0

SB 127 - That SB 127 do pass. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 45

Noes: None.
Total 0

Excused: Berg, Crippen, Keating, Severson, Mr. President.
Total 5

Absent or not voting: None.
Total 0

SB 149 - That consideration on SB 149 be passed. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 45

Noes: None.
Total 0

Excused: Berg, Crippen, Keating, Severson, Mr. President.
Total 5

Absent or not voting: None.
Total 0

SB 153 - That SB 153 do pass. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham,

Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 45

Noes: None.
Total 0

Excused: Berg, Crippen, Keating, Severson, Mr. President.
Total 5

Absent or not voting: None.
Total 0

SB 48 - That SB 48, second reading copy, be amended as follows:

1. Page 2, line 17.
Strike: subsection 3 in its entirety
Renumber: subsequent sections

2. Page 3, line 3.
Following: "(4)"
Strike: "The"
Insert: "When required to do so, the"

3. Page 3.
Following: line 16
Insert: "NEW SECTION. Section 2. Abbreviated form of the certified ballot. The county election administrator may, at least 14 days prior to the deadline for ballot certification by the secretary of state, request in writing that he be furnished an abbreviated form of the certified ballot. The secretary of state shall furnish to all counties from which he has received such a request a certified ballot containing only the information in subsections (2)(a), (2)(e), and (2)(f) of 13-27-501. If the county election administrator requests that the abbreviated ballot be prepared, copies of the information contained in subsections (2)(a) through (2)(f) must be distributed to each elector by an election judge as the elector enters the polling place."

Amendment passed as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 45

Noes: None.
Total 0

Excused: Berg, Crippen, Keating, Severson, Mr. President.
Total 5

Absent or not voting: None.
Total 0

That SB 48, as amended, do pass. Motion carried as follows:

Ayes: Blaylock, Brown, Christiaens, Conover, Daniels, Dover, Eck, Fuller, Gage, Goodover, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Lynch, D.

Manning, R. Manning, Marbut, McCallum, Mohar, Norman, Regan, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 29

Noes: Aklestad, Boylan, Elliott, Etchart, Galt, Graham, Hager, Hammond, Kolstad, Lane, Lee, Mazurek, Ochsner, Shaw, Smith, Turnage.
Total 16

Excused: Berg, Crippen, Keating, Severson, Mr. President.
Total 5

Absent or not voting: None.
Total 0

SB 65 - That SB 65, second reading copy, be amended as follows:

1. Title, line 8.
Strike: "OR SUSPENDED"

2. Page 2, line 16.
Following: "~~each~~"
Strike: "THE"
Insert: "each"

3. Page 3, line 6.
Following: "DEFERRED"
Strike: "OR SUSPENDED"

Amendment passed as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 45

Noes: None.
Total 0

Excused: Berg, Crippen, Keating, Severson, Mr. President.
Total 5

Absent or not voting: None.
Total 0

That SB 65, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 45

Noes: None.
Total 0

Excused: Berg, Crippen, Keating, Severson, Mr. President.
Total 5

Absent or not voting: None.

Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. President Pro Tempore Kolstad in the Chair. Chairman Goodover moved the adoption of the committee report. Report adopted.

President Pro Tempore Kolstad wished Senator Eck a happy birthday.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 12 passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Eck, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Halligan, Hazelbaker, Jacobson, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg.
Total 34

Noes: Aklestad, Crippen, Dover, Elliott, Galt, Hager, Hammond, Himsl, Kolstad, Ochsner, Shaw, Story, Tveit.
Total 13

Paired: Berg, Regan, Ayes; Aklestad, Crippen, Noes.

Excused: Keating, Severson, Mr. President.
Total 3

Absent or not voting: None.
Total 0

SB 58 passed as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 45

Noes: None.
Total 0

Excused: Berg, Crippen, Keating, Severson, Mr. President.
Total 5

Absent or not voting: None.
Total 0

SB 60 passed as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 45

Noes: None.

Total 0

Excused: Berg, Crippen, Keating, Severson, Mr. President.
Total 5

Absent or not voting: None.
Total 0

SB 99 passed as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 45

Noes: None.
Total 0

Excused: Berg, Crippen, Keating, Severson, Mr. President.
Total 5

Absent or not voting: None.
Total 0

Joint Rules Amendments to Temporary Rules passed as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 45

Noes: None.
Total 0

Excused: Berg, Crippen, Keating, Severson, Mr. President.
Total 5

Absent or not voting: None.
Total 0

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 10:31 a.m., until Monday, January 24, 1983, at the hour of 3:00 p.m.

ALLEN C. KOLSTAD
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

NINETEENTH LEGISLATIVE DAY

Helena, Montana
January 24, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the eighteenth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 33, SB 45, SB 100, SB 123.
Correctly engrossed: SB 2, SB 20, SB 48, SB 61, SB 65, SB 70, SB 127, SB 153.
Correctly enrolled: SB 15.
Examined by the sponsor (Mazurek) and found to be correct: SB 15.
Signed by the President at 9:00 a.m., 1/24/83: SB 15, HB 2.
Delivered to the Governor for his approval at 10:30 a.m., 1/24/83: SB 15.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully report as follows:

That the following attaches of the Senate be employed as of 8:00 a.m. on Monday, January 24, 1983:

Lisa Graveley ..... Page
Mary Melissa Danielson ..... Page
Jan Walkonis ..... Page
Tammy McCaslin ..... Page
Joseph E. Micheletti ..... Page
Shawn Brooke ..... Page

And that the following attaches of the Senate be terminated as of 5:00 p.m. on Saturday, January 22, 1983:

Julie Brehm ..... Page
Frank T. Moreni ..... Page
Timothy T. Duncan ..... Page
Michelle S. Rector ..... Page
Kimberlee Colbo ..... Page
Eric Holmes ..... Page

Report adopted.

STATE ADMINISTRATION (Story, Chairman):
Communication of the Governor, dated January 12, 1983, wherein the names of:

WILLIAM A. GROFF, Victor, reappointed for a term ending January 1, 1987;

JOHN D. BUCHANAN, Cascade, appointed for a term ending January 1, 1987;

HOWARD ROSENLEAF, Anaconda, appointed for a term ending January 1, 1987;

were submitted for appointments to:

The Board of Housing.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
HB 82, be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
SB 156, do pass. Report adopted.
HB 64, be concurred in. Report adopted.

JUDICIARY (Turnage, Chairman):
SB 142, do pass. Report adopted.
SB 145, do pass. Report adopted.
SB 147, do pass. Report adopted.
SB 109, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Towe.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate bill concurred in and returned to the Senate: 1/22/83

SB 46, introduced by Mazurek

House bills passed and transmitted to the Senate for concurrence: 1/22/83

HB 121, introduced by Veleber, Van Valkenburg

HB 141, introduced by Holliday, et al.

HB 142, introduced by Harper

HB 154, introduced by Spaeth, et al.

HB 155, introduced by Spaeth, et al.

HB 157, introduced by Driscoll

HB 199, introduced by Addy, Donaldson

MOTIONS

Senator Brown moved that SB 246 be taken from the Committee on State Administration and that it be referred to the Committee on Education and Cultural Resources. Motion carried unanimously.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 263, introduced by Turnage, (By Request of the Revenue Oversight Committee). Referred to Committee on Taxation.
SB 264, introduced by Graham, Galt. Referred to Committee on Taxation.
SB 265, introduced by Graham, Galt, (By Request of the Department of Livestock). Referred to Committee on Agriculture, Livestock and Irrigation.
SB 266, introduced by Marbut, Halligan, Norman, Jacobson, Marks, Fabrega, Hager, Menahan, Winslow, Ramirez, Gage, Mazurek, Goodover, Mohar, Van Valkenburg, B. Brown, Eck, Dover, Towe. Referred to Committee on Public Health, Welfare and Safety.
SB 267, introduced by Etchart, Boylan, (By Request of the Department of Institutions). Referred to Committee on State Administration.
SB 268, introduced by R. Manning, (By Request of the Public Employees' Retirement Division). Referred to Committee on State Administration.
SB 269, introduced by Halligan, R. Manning, (By Request of the Department of Public Service Regulation). Referred to Committee on State Administration.
SB 270, introduced by Regan, (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Natural Resources.
SB 271, introduced by Mazurek, Fabrega, (By Request of the Board of Cosmetologists). Referred to Committee on Public Health, Welfare and Safety.
SB 272, introduced by Mazurek. Referred to Committee on Local Government.
SB 273, introduced by Dover, (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.
SB 274, introduced by Dover, Winslow. Referred to Committee on Public Health, Welfare and Safety.
SB 275, introduced by Keating, Pavlovich, Shaw, Tveit, Abrams, Switzer, Devlin, Kolstad, Hanson. Referred to Committee on Natural Resources.
SB 276, introduced by Aklestad, Manuel. Referred to Committee on Natural Resources.
SB 277, introduced by Conover, Mazurek, Lybeck. Referred to Committee on Natural Resources.
SB 278, introduced by Conover, Mazurek, Lybeck. Referred to Committee on Natural Resources.
SB 279, introduced by Ochsner, Lybeck, R. Jensen. Referred to Committee on Natural Resources.
SB 280, introduced by Fuller, Lybeck, R. Jensen. Referred to Committee on Natural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 121, introduced by Veleber, Van Valkenburg. Referred to Committee on Local Government.

HB 141, introduced by Holliday, Galt, Quilici, Schultz. Referred to Committee on State Administration.

HB 142, introduced by Harper, (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.

HB 154, introduced by Spaeth, Saunders, Schye, (By Request of the Department of State Lands). Referred to Committee on Natural Resources.

HB 155, introduced by Spaeth, Saunders, Schye, (By Request of the Department of State Lands). Referred to Committee on Natural Resources.

HB 157, introduced by Driscoll, (By Request of the Personnel and Labor Relations Study Commission). Referred to Committee on Labor and Employment Relations.

HB 199, introduced by Addy, Donaldson, (By Request of the Department of Military Affairs). Referred to Committee on State Administration.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Halligan in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 22 - That SB 22, second reading copy, be amended as follows:

1. Page 3, line 6.
Following: "punishable"
Insert: "as follows:

(1) on initial violation a warning shall be issued. No penalty may be assessed if the violation of [section 2] is corrected within 30 days if not corrected a citation may be issued and the violation shall be punishable"

2. Page 3, line 7.
Following: "25"
Strike: "; A second or"
Insert: "; (2)"
Following: "subsequent"
Strike: "conviction"
Insert: "violation"

3. Page 3, line 9.
Following: "100"
Strike: remainder of line 9 through "vehicle" on line 14

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That consideration on SB 22 be passed. Motion failed as follows:

Ayes: Aklestad, Boylan, Brown, Christiaens, Daniels, Dover, Etchart, Gage, Galt, Goodover, Graham, Hammond, Kolstad, Lee, Marbut, McCallum, Shaw, Smith, Turnage, Mr. President.
Total 20

Noes: Berg, Blaylock, Conover, Crippen, Eck, Elliott, Fuller, Haffey, Hager, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, D. Manning, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 27

Excused: None.
Total 0

Absent or not voting: Halligan, R. Manning, Tveit.
Total 3

That SB 22, second reading copy, be further amended as follows:

1. Strike: the first set of Committee of the Whole amendments to SB 22
Following: "~~511~~"
Insert: "as follows:

(1) on initial violation a warning shall be issued. No penalty may be assessed if the violation of [section 2] is corrected within 30 days by providing proof that a child safety restraint system meeting the requirements of [section 2] was purchased or leased and properly installed in the vehicle. If not corrected a citation may be issued and the violation shall be punishable"

2. Page 3, line 7.
Following: "25"
Strike: ", A second or"
Insert: "; (2)"
Following: "subsequent"
Strike: "conviction"
Insert: "violation"

3. Page 3, line 9.
Following: "100"
Strike: remainder of line 9 through "vehicle" on line 14

Amendment passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Galt, Goodover, Haffey, Halligan, Hazelbaker, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 35

Noes: Aklestad, Elliott, Gage, Hager, Hammond, Himsl, D. Manning, Ochsner, Severson, Shaw, Smith, Tveit, Mr. President.
Total 13

Excused: None.
Total 0

Absent or not voting: Graham, Keating.
Total 2

That SB 22, as amended, do pass. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Eck, Fuller, Goodover, Graham, Haffey, Halligan, Hazelbaker, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 31

Noes: Aklestad, Crippen, Dover, Elliott, Etchart, Gage, Galt, Hager, Hammond, Himsl, Keating, McCallum, Ochsner, Severson, Shaw, Smith, Tveit, Mr. President.
Total 18

Excused: None.
Total 0

Absent or not voting: Turnage.
Total 1

SB 81 - That SB 81 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 88 - That SB 88 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 91 - That SB 91 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 122 - That SB 122 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 128 - That SB 128 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 149 - That SB 149, second reading copy, be amended by adding the following statement of intent:

Statement of Intent
SB 149

A statement of intent is required for this bill because it delegates rulemaking authority to the Board of Public Education to adopt rules for issuance of documents certifying equivalency of completion of secondary education.

While the Board has clearly delineated rulemaking authority to adopt standards of accreditation and establish the accreditation status of every school, its rulemaking authority has only been implied in the area of setting standards for documents which state that an eligible applicant has satisfied requirements for equivalency of completion of secondary education.

At the recommendation of the Administrative Code Committee, the Board requested legislation specifically providing the Board with the authority to adopt policies for the issuance of high school equivalency certificates and to direct the Superintendent of Public Instruction to issue those certificates.

The bill gives the Board the express rulemaking authority to adopt rules in the area of high school equivalency certificates. It is contemplated that:

(1) the Board's current rules in this area will be amended to show proper authority and implementation;

(2) the Board may adopt rules required for other types of programs of similar nature.

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That SB 149, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 151 - That SB 151 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 160 - That SB 160 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 7 - That SJR 7 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 10 - That HB 10 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Halligan moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 10 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Thomas.
Total 1

SB 82 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Story moved that the appointment of William A. Groff, Victor, Montana, reappointed for a term ending January 1, 1987; John D. Buchanan, Cascade, Montana, appointed for a term ending January 1, 1987; and Howard Rosenleaf, Anaconda, Montana, appointed for a term ending January 1, 1987, to serve at the pleasure of the Governor on the Board of Housing in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Fuller moved that the following name be added to the list of sponsors of SB 212: Etchart. Motion carried unanimously.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 4:40 p.m., until Tuesday, January 25, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TWENTIETH LEGISLATIVE DAY

Helena, Montana
January 25, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the nineteenth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 142, SB 145, SB 147, SB 156.
Correctly engrossed: SB 22, SB 81, SB 88, SB 91, SB 122, SB 128, SB 149, SB 151, SB 160, SJR 7.
Correctly enrolled: SB 46.
Examined by the sponsor (Mazurek) and found to be correct: SB 46.
Signed by the President at 2:45 p.m., 1/25/83: SB 46.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully report as follows:

That the following attache of the Senate be employed as of 1:00 p.m. on Tuesday, January 25, 1983:

Staci Graham ..... Page

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
SB 117, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 117

A statement of intent is required for this bill because it grants rulemaking authority to the Department of Administration in section 3.
(1) The Legislature intends that in developing a statewide frequency utilization plan, the Department address the following:
(a) interagency communications;
(b) a statewide mutual aid frequency; and
(c) participation by state and local radio users.
(2) The Legislature does not intend that rules adopted by the Department make entry into the plan by local government units mandatory.

SB 125, introduced bill, be amended as follows:

1. Page 10, line 14.
Following: line 13
Insert: "Section 5. Code commissioner instruction. Whenever a reference to a "Montana development credit corporation" is contained in any new material enacted by the 48th legislature, the code commissioner is instructed to delete the word "credit" from the reference for consistency with SB 125."

Renumber: subsequent section

And, as amended, do pass. Report adopted.

JUDICIARY (Turnage, Chairman):

SB 52, introduced bill, be amended as follows:

1. Page 1, line 19.
Following: "judge."
Insert: "(1) A judgeship created by [this act] may be initially filled at the 1983 general election if a majority of the county commissioners in each county within the judicial district where the judge will be elected agree to conduct the election. The individual elected shall take office on the first Monday of January 1984.

(2)"

2. Page 2, line 4.
Following: "January"
Strike: ","

And, as amended, do pass. Report adopted.

SB 129, introduced bill, be amended as follows:

1. Title, line 6.
Following: "EXECUTION"
Insert: "ISSUED BY THE COUNTY TREASURER"

2. Page 1, line 10.
Following: "execution."
Strike: "The"
Insert: "(1) Except as provided in subsection (2),"

3. Page 1, line 12.
Following: "than ~~60~~"
Strike: "90"
Insert: "60"

4. Page 1.
Following: "rendered."
Strike: ""

5. Page 1.
Following: line 13
Insert: "(2) The writ of execution issued by the county treasurer under 15-16-401 may be made returnable, at any time not less than 10 or more than 90 days after its receipt by the sheriff, to the county treasurer of the county in which the writ was issued."

And, as amended, do pass. Report adopted.

SB 183, introduced bill, be amended as follows:

1. Page 1, line 19.
Following: "obligor"
Insert: "or his sureties"

2. Page 1, line 19.
Following: "from"
Strike: "his"
Insert: "their"

And, as amended, do pass. Report adopted.

SB 195, do pass. Report adopted.
HB 61, be concurred in. Report adopted.
HB 71, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
SJR 8, do pass. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
SB 67, introduced bill, be amended as follows:

1. Title, line 4.
Following: "TO"
Strike: "REMOVE"
Insert: "MODIFY"

2. Page 1.
Following: line 16
Insert: "(1) to any citizen of another country or any person, partnership, corporation, association, or other legal entities controlled by interests foreign to the United States unless such country provides for similar or like privileges to citizens of the United States;"

3. Page 1, line 17.
Following: "~~(2)~~"
Insert: "(2)"

And, as amended, do pass. Report adopted.

SB 101, introduced bill, be amended as follows:

1. Page 9, line 3.
Strike: "1-day"
Insert: "2-day"

And, as amended, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
SB 139, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 44

Noes: Halligan, D. Manning, R. Manning, Marbut, Van Valkenburg.
Total 5

Excused: None.
Total 0

Absent or not voting: Fuller.
Total 1

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 1/24/83

HB 98, introduced by Yardley

HB 190, introduced by Asay, et al.

HB 235, introduced by Nilson

HB 245, introduced by Addy, et al.

HB 251, introduced by Sales

Senate joint resolution concurred in as amended and returned to the Senate for concurrence in House amendments: 1/24/83

SJR 1, introduced by Hazelbaker

MOTIONS

Senator Etchart moved that SB 22 be taken from third reading and that it be referred to the Committee on Highways and Transportation. Motion failed as follows:

Ayes: Aklestad, Boylan, Crippen, Dover, Elliott, Etchart, Galt, Graham, Hammond, Himsl, Keating, Ochsner, Severson, Shaw, Smith, Tveit, Mr. President.
Total 17

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Daniels, Eck, Fuller, Gage, Goodover, Haffey, Halligan, Hazelbaker, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 30

Excused: None.
Total 0

Absent or not voting: Hager, McCallum, Turnage.
Total 3

Senator Towe moved that SB 202 be taken from the Committee on Local Government and that it be referred to the Committee on Taxation. Motion carried unanimously.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 281, introduced by Eck, Hager, Sales, Marks, Bertelsen. Referred to Committee on Taxation.

SB 282, introduced by Fuller, Van Valkenburg, Berg. Referred to Committee on Education and Cultural Resources.

SB 283, introduced by Fuller, Halligan, Christiaens. Referred to Committee on Natural Resources.

SB 284, introduced by B. Brown, Eck, Fagg, Hager, Keating, C. Smith, Winslow, Holliday, Switzer, Tveit, Wallin, Etchart, Crippen, Pistoria, Nordtvedt, Galt, (By Request of the Secretary of State). Referred to Committee on State Administration.

SB 285, introduced by Christiaens, Fabrega, Fuller, Halligan, R. Manning, Nisbet, Driscoll, Stimatz, Lee, Goodover, Nilson, Farris, Bachini. Referred to Committee on Business and Industry.

SB 286, introduced by E. Smith, Kolstad, Lee, Ochsner, Stobie, Donaldson, Compton, Wallin, Thoft, Schultz, Fagg, Boylan, Graham, B. Brown, Severson, McCallum, Tveit, Hager, H. Hammond, Ryan, Solberg, Vinger, R. Jensen, Shaw, Underdal, C. Smith, Devlin, Iverson, Keyser, Hanson, Switzer, Winslow, Bliss, Phillips, Marbut, Swift, Seifert, Ernst, Hemstad, Gage. Referred to Committee on State Administration.

SB 287, introduced by B. Brown, Hazelbaker, Stimatz, Marks, McCallum, Donaldson, Gage, Halligan, Williams, Jacobsen. Referred to Committee on Highways and Transportation.
SB 288, introduced by Dover. Referred to Committee on Taxation.
LC 567, introduced by Conover. Referred to Committee on Rules.

The following House bills were introduced, read first time, and referred to committees:

HB 98, introduced by Yardley, (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Highways and Transportation.
HB 190, introduced by Asay, Ellison, Swift, Goodover, Tveit, Abrams, Zabrocki. Referred to Committee on Business and Industry.
HB 235, introduced by Nilson, (By Request of the Department of Institutions). Referred to Committee on Judiciary.
HB 245, introduced by Addy, J. Jensen, Bergene. Referred to Committee on Judiciary.
HB 251, introduced by Sales. Referred to Committee on Judiciary.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Etchart in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 33 - That SB 33 do pass. Motion carried as follows:

Ayes: Aklestad, Boylan, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 34

Noes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Halligan, Himsl, R. Manning, Mazurek, Mohar, Norman, Regan, Van Valkenburg.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 45 - That SB 45 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 100 - That SB 100 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 123 - That SB 123 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Etchart, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Lane, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 36

Noes: Boylan, Daniels, Elliott, Fuller, Gage, Graham, Keating, Kolstad, Lynch, McCallum, Shaw, Smith.
Total 12

Excused: None.
Total 0

Absent or not voting: Lee, Turnage.
Total 2

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Etchart moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 2 passed as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Berg, Daniels, R. Manning.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 20 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Lynch.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 48 passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mohar, Norman, Regan, Severson, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 37

Noes: Aklestad, Elliott, Etchart, Halligan, Hammond, Lee, Mazurek, McCallum, Ochsner, Shaw, Smith, Turnage, Tveit.
Total 13

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 61 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 65 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 70 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 127 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 153 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 3:50 p.m., until Wednesday, January 26, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TWENTY-FIRST LEGISLATIVE DAY

Helena, Montana
January 26, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Galt, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the twentieth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 52, SB 67, SB 101, SB 117, SB 125, SB 129, SB 183, SB 195, SJR 8.
Correctly engrossed: SB 33, SB 45, SB 100, SB 123.
Signed by the President at 10:30 a.m., 1/26/83: HB 20.
Delivered to the Governor for his approval at 10:30 a.m., 1/26/83: SB 46.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Kolstad, Vice-Chairman):
HB 111, be concurred in. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
SB 19, do pass. Report adopted.
SB 167, do pass. Report adopted.
HB 40, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
SB 106, introduced bill, be amended as follows:

1. Title, lines 6 and 7.
Following: "VEHICLES;" on line 6
Strike: remainder of line 6 through "SUSPENDED;" on line 7

2. Page 1, line 19.
Following: "~~$15~~"
Strike: "$45"
Insert: "$30"

3. Page 1, line 19.
Following: "~~$50~~"
Strike: "$150"
Insert: "$100"

4. Page 2, line 1.
Following: "~~$15~~"
Strike: "$45"
Insert: "$30"

5. Page 2, line 3.
Following: "~~$25~~"
Strike: "$75"
Insert: "$50"

6. Page 2, line 5.

Following: "~~$35~~"
Strike: "$105"
Insert: "$70"

7. Page 2, line 7.
Following: "~~$50~~"
Strike: "$150"
Insert: "$100"

8. Page 2, line 9.
Following: "~~$80~~"
Strike: "$240"
Insert: "$160"

9. Page 2, line 11.
Following: "~~$110~~"
Strike: "$330"
Insert: "$220"

10. Page 2, line 13.
Following: "~~$150~~"
Strike: "$450"
Insert: "$300"

11. Page 2, line 15.
Following: "~~$200~~"
Strike: "$600"
Insert: "$400"

12. Page 2, line 17.
Following: "~~$250~~"
Strike: "$750"
Insert: "$500"

13. Page 2, line 19.
Following: "~~$300~~"
Strike: "$900"
Insert: "$600"

14. Page 2, line 21.
Following: "~~$500~~"
Strike: "$1,500"
Insert: "$1,000"

15. Page 2, line 23.
Following: "~~$1,000~~"
Strike: "$3,000"
Insert: "$2,000"

16. Page 3.
Following: line 4
Strike: lines 5 and 6 in their entirety

17. Page 3.
Following: line 6
Insert: "(3) The penalties in subsection (1) do not apply to an operator who fails to secure a special permit as provided for in 61-10-107(3) if the vehicle or combination of vehicles is not overweight with such a permit. The failure to obtain the special permit is punishable under 61-10-146, and the operator is required to purchase the permit. If the vehicle or combination of vehicles exceeds the weight limitations allowed by special permit and the operator

fails to obtain a permit under 61-10-107(3), the penalties of subsection (1) apply to the weight exceeding 80,000 pounds."

And, as amended, do pass. Report adopted.

SB 212, introduced bill, be amended as follows:

1. Page 1, line 23.
Following: "before"
Strike: "June"
Insert: "March"

And, as amended, do pass. Report adopted.

HB 87, be concurred in. Report adopted.

JUDICIARY (Crippen, Vice-Chairman):
SB 114, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "FAMILY OR OTHER PERSON ENTITLED THERETO"
Insert: "PERSONAL REPRESENTATIVE OR TO THE PUBLIC ADMINISTRATOR, EXCEPT WHEN THE PROPERTY OR NOTE IS CONSIDERED BY THE COUNTY ATTORNEY TO BE EVIDENCE OF A CRIME"

2. Page 1, lines 19 and 20.
Strike: "state" through "person" on line 20
Insert: "investigating agency"

3. Page 2, line 1.
Following: "death is"
Insert: "to be"

4. Page 2, line 2.
Following: "made"
Insert: "or is in progress"

5. Page 2, line 2.
Following: "suicide note"
Insert: "considered to be evidence by the county attorney"

6. Page 2, line 3.
Strike: "state medical examiner or a coroner"
Insert: "investigating agency"

7. Page 2, lines 4 and 5.
Strike: "or a 90-day" through "first" on line 5

8. Page 2, line 8.
Strike: "90-day period"
Insert: "investigation"

9. Page 2, lines 11 through 13.
Following: "(3)"
Strike: remainder of line 11 and lines 12 and 13 in their entirety
Insert: "For the purposes of this section and [section 2], "investigating agency" means any county coroner or county attorney, the state medical examiner, and any law enforcement agency of this state and any political subdivision of this state having jurisdiction of the death."

10. Page 2, line 15.
Strike: "Any"

Insert: "(1) Except as provided in subsection (2), any"

11. Page 2, lines 18 and 19.
Strike: "state medical" through "person" on line 19
Insert: "investigating agency"

12. Page 2, line 19.
Following: "must"
Strike: ","

13. Page 2, line 20.
Following: "be given"
Strike: "within 30 days after October 1, 1984,"
Insert: "by January 1, 1984,"

14. Page 2, line 24.
Following: "15."
Insert: "(2)"

15. Page 3, line 1.
Following: "note"
Strike: "state medical examiner"
Insert: "considered to be evidence by the county attorney"

16. Page 3, line 2.
Strike: "or a coroner"
Insert: "investigating agency"

17. Page 3, lines 2 and 3.
Strike: "or until" through "first" on line 3

18. Page 3, line 6.
Strike: "90-day period"
Insert: "investigation"

19. Page 3, lines 8 through 10.
Strike: "At all times" through "subpoena." on line 10

And, as amended, do pass. Report adopted.

HB 45, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 205, do pass. Report adopted.

TAXATION (Goodover, Chairman):
HB 65, be concurred in. Report adopted.
HB 66, be concurred in. Report adopted.
HB 81, be concurred in. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
SB 24, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 35

Noes: Eck, Haffey, Halligan, Jacobson, Kolstad, Lane, Lee, Lynch, Regan, Severson, Stimatz, Thomas, Towe, Van Valkenburg.
Total 14

Excused: Galt.
Total 1

Absent or not voting: None.
Total 0

JUDICIARY (Crippen, Vice-Chairman):
HB 74, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Mr. President.
Total 41

Noes: Berg, Jacobson, R. Manning, Mazurek, Mohar, Regan, Towe, Van Valkenburg.
Total 8

Excused: Galt.
Total 1

Absent or not voting: None.
Total 0

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 1/25/83

HB 18, introduced by Harrington, et al.

HB 28, introduced by Kitselman

HB 39, introduced by Harper, et al.

HB 106, introduced by Winslow, et al.

HB 215, introduced by Ramirez, et al.

MOTIONS

Senator Boylan moved that HB 82 be taken from second reading and that it be referred to the Committee on Agriculture, Livestock and Irrigation. Motion carried unanimously.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 289, introduced by Norman, Fabrega. Referred to Committee on Public Health, Welfare and Safety.
SB 290, introduced by E. Smith, Kolstad, Lee, Gage, Aklestad, Hazelbaker, Stimatz, Tveit. Referred to Committee on Judiciary.
SB 291, introduced by Eck, Metcalf, (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Natural Resources.
SB 292, introduced by Goodover, Pavlovich. Referred to Committee on Business and Industry.
SB 293, introduced by Hager, Winslow, Manuel, (By Request of the Department of Health and Environmental Sciences and the Department of Social and Rehabilitation Services). Referred to Committee on Public Health, Welfare and Safety.

SB 294, introduced by Hazelbaker, Thoft, Hand, Severson. Referred to Committee on Natural Resources.

SB 295, introduced by Marbut, Turnage, Dover, Severson, McCallum, Ochsner, Menahan, Gage, Keating, Roush, Boylan, Waldron, Norman, Story. Referred to Committee on Business and Industry.

The following House bills were introduced, read first time, and referred to committees:

HB 18, introduced by Harrington, Dozier, Daily, Pavlovich, Keenan, Lynch, Stimatz. Referred to Committee on Business and Industry.

HB 28, introduced by Kitselman. Referred to Committee on Public Health, Welfare and Safety.

HB 39, introduced by Harper, Fuller, Vincent, Hager, J. Hammond, Kemmis, Eck, Nordtvedt, Mohar, Waldron. Referred to Committee on Education and Cultural Resources.

HB 106, introduced by Winslow, Keyser, Schultz, Iverson, Vinger, (By Request of the Secretary of State). Referred to Committee on Business and Industry.

HB 215, introduced by Ramirez, Spaeth, Miller. Referred to Committee on Judiciary.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Jacobson in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 142 - That SB 142 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Galt.
Total 1

Absent or not voting: None.
Total 0

SB 145 - That SB 145 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Galt.
Total 1

Absent or not voting: None.
Total 0

SB 147 - That SB 147 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt.
Total 1

Absent or not voting: Lane.
Total 1

SB 156 - That SB 156 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Mr. President.
Total 45

Noes: Daniels, Mohar, Towe, Van Valkenburg.
Total 4

Excused: Galt.
Total 1

Absent or not voting: None.
Total 0

HB 64 - That HB 64 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Elliott.
Total 1

Excused: Galt.
Total 1

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Jacobson moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 22 passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Eck, Fuller, Goodover, Graham, Haffey, Halligan, Hazelbaker, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 33

Noes: Aklestad, Crippen, Dover, Elliott, Etchart, Gage, Galt, Hager, Hammond, Himsl, Keating, Ochsner, Severson, Shaw, Smith, Tveit, Mr. President.
Total 17

Paired: Lynch, Aye; Galt, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 81 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Etchart, Smith.
Total 2

Excused: Galt.
Total 1

Absent or not voting: Lee.
Total 1

SB 88 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Galt.
Total 1

Absent or not voting: None.
Total 0

SB 91 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Galt.
Total 1

Absent or not voting: None.
Total 0

SB 122 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 47

Noes: R. Manning.
Total 1

Excused: Galt.
Total 1

Absent or not voting: Mr. President.
Total 1

SB 128 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Galt.
Total 1

Absent or not voting: None.
Total 0

SB 149 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Galt.
Total 1

Absent or not voting: None.
Total 0

SB 151 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt.
Total 1

Absent or not voting: Haffey.
Total 1

SB 160 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Shaw.
Total 1

Excused: Galt.
Total 1

Absent or not voting: None.
Total 0

HB 10 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 46

Noes: Goodover, Tveit.
Total 2

Excused: Galt.
Total 1

Absent or not voting: Mr. President.
Total 1

SJR 7 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Galt.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 3:40 p.m., until Thursday, January 27, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TWENTY-SECOND LEGISLATIVE DAY

Helena, Montana
January 27, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Galt, D. Manning, Smith, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the twenty-first legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 19, SB 106, SB 114, SB 167, SB 205, SB 212.
Correctly engrossed: SB 142, SB 145, SB 147, SB 156.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
SB 11, introduced bill, be amended as follows:

1. Title, line 7.
Following: "INSURER;"
Strike: remainder of line 7 through "INSURER;" on line 10

2. Title, line 10.
Following: "AMENDING"
Strike: "SECTIONS"
Insert: "SECTION"

3. Title, line 11.
Following: line 10
Strike: "AND 33-17-212"

4. Page 3, line 16.
Strike: section 2 in its entirety

And, as amended, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman):
SB 95, do pass. Report adopted.
SB 158, introduced bill, be amended as follows:

1. Page 10, line 12.
Following: "skills"
Insert: "as prescribed by the board of public education"

2. Page 10, lines 14 through 19.
Strike: subsection (2) in its entirety
Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 158

Sections 3 and 5 of the bill delegate rulemaking authority to the Board of Public Education. The board has already adopted rules in these areas

of procedures for admission to the School for the Deaf and Blind (ARM 10.61.201) and of transfers into another educational placement (ARM 10.61.204). The committee would contemplate that the board republish these rules, citing the proper statutory authorities after SB 158 is enacted. The board would, of course, retain the power to amend these rules in the future in such manner as it deemed proper for the governance of the school.

Section 13 gives the board authority to establish employment criteria in the area of communications skills for school staff who work with deaf children. Rules in this area should recognize that teachers need a high level of skills such as sign language in order to communicate to deaf pupils, while some custodial or administration employees may be able to work well for the school with a lower level of communications skills. The board should establish a relatively informal procedure for establishing compliance with its criteria, such as certification by the superintendent and one deaf adult, and it may reserve the right to grant waivers from its policy.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
SB 239, do pass. Report adopted.
SB 245, do pass. Report adopted.

JUDICIARY (Turnage, Chairman):
SB 178, do pass. Report adopted.
SB 260, do pass. Report adopted.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
SR 3, be adopted. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
SB 161, introduced bill, be amended as follows:

1. Page 3, line 2.
Strike: "13"
Insert: "14"

2. Page 3.
Following: line 7
Insert: "(b) one member who shall be the commissioner of state lands or his designee;"
Renumber: subsequent subsections

3. Page 4, line 3.
Strike: "except for ex officio members"
Insert: "mentioned in section 4(2)(a), except the Commissioner on the Governor's staff"

4. Page 5, line 4.
Strike: "must"
Insert: "may"

5. Page 6, line 7.
Following: "to"
Insert: ", in the discretion of the commission,"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 216, do pass. Report adopted.
SB 217, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman):
SB 43, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Berg, Blaylock, Eck, R. Manning, Regan.
Total 5

Excused: Galt, D. Manning, Smith.
Total 3

Absent or not voting: None.
Total 0

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 1/26/83

HB 94, introduced by Ellison

HB 113, introduced by Switzer, Neuman

HB 127, introduced by Neuman, et al.

HB 128, introduced by Schye, Metcalf

HB 158, introduced by Bergene, Sales

HB 169, introduced by Eudaily, et al.

HB 179, introduced by Bardanouve

HB 181, introduced by Hart

HB 216, introduced by Eudaily

MOTIONS

Senator Story moved that SB 259 be taken from the Committee on State Administration and that it be referred to the Committee on Agriculture, Livestock and Irrigation. Motion carried unanimously.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 296, introduced by Conover, Ochsner, Spaeth. Referred to Committee on Agriculture, Livestock and Irrigation.

SB 297, introduced by H. Hammond, E. Smith, Schultz, Jacobsen, Iverson, Compton, Ernst, Boylan. Referred to Committee on Education and Cultural Resources.

SB 298, introduced by Towe, Turnage. Referred to Committee on Public Health, Welfare and Safety.

SB 299, introduced by Towe, Saunders, Conover, Shontz, Norman, Kemmis, Berg, Christiaens, Blaylock, Harper. Referred to Committee on Taxation.

SB 300, introduced by Turnage, Himsl. Referred to Committee on Business and Industry.

SB 301, introduced by H. Hammond, (By Request of the Teachers' Retirement Board). Referred to Committee on State Administration.

SB 302, introduced by H. Hammond, (By Request of the Teachers' Retirement Board). Referred to Committee on State Administration.

SB 303, introduced by Mazurek, Graham, Turnage. Referred to Committee on Judiciary.

SB 304, introduced by Blaylock, (By Request of the Governor's Office). Referred to Committee on State Administration.

SB 305, introduced by R. Manning, (By Request of the Public Service Commission). Referred to Committee on Business and Industry.

SB 306, introduced by R. Manning, Brand, Christiaens, Halligan, Van Valkenburg, Fuller, Norman, Towe, Berg, Mohar, Conover, Lane. Referred to Committee on Business and Industry.

SB 307, introduced by Dover, Nordtvedt, Norman, Stephens, Mazurek, Marbut, Hemstad, Kolstad, D. Brown, Keating, Crippen, Wallin. Referred to Committee on Taxation.

SB 308, introduced by Regan, Blaylock, Ramirez, Elliott, Kolstad, Etchart, Waldron. Referred to Committee on Education and Cultural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 94, introduced by Ellison. Referred to Committee on Fish and Game.

HB 113, introduced by Switzer, Neuman, (By Request of the Department of Livestock). Referred to Committee on Agriculture, Livestock and Irrigation.

HB 127, introduced by Neuman, Switzer, Addy, Saunders, Lee, Holliday, Thoft, Ellerd, Vinger, Graham, (By Request of the Department of Livestock). Referred to Committee on Agriculture, Livestock and Irrigation.

HB 128, introduced by Schye, Metcalf, (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Public Health, Welfare and Safety.

HB 158, introduced by Bergene, Sales, (By Request of the Secretary of State). Referred to Committee on Business and Industry.

HB 169, introduced by Eudaily, Daily, Schultz, Lory, (By Request of the Teachers' Retirement Division). Referred to Committee on State Administration.

HB 179, introduced by Bardanouve. Referred to Committee on Judiciary.

HB 181, introduced by Hart, (By Request of the Department of Institutions). Referred to Committee on Public Health, Welfare and Safety.

HB 216, introduced by Eudaily, (By Request of the Montana Districting and Apportionment Commission). Referred to Committee on State Administration.

Senator D. Manning present at 3:09 p.m.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Lee in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 52 - That SB 52 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Graham, Haffey,

Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Elliott, Goodover, Ochsner.
Total 3

Excused: Galt, Smith.
Total 2

Absent or not voting: None.
Total 0

SB 67 - That SB 67 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Mohar.
Total 1

Excused: Galt, Smith.
Total 2

Absent or not voting: None.
Total 0

SB 101 - That SB 101, without objection, be moved to the bottom of the board.

SB 117 - That consideration on SB 117 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Smith.
Total 2

Absent or not voting: None.
Total 0

SB 125 - That SB 125 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl,

Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Smith.
Total 2

Absent or not voting: None.
Total 0

SB 129 - That SB 129 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Smith.
Total 2

Absent or not voting: None.
Total 0

SB 183 - That SB 183 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Smith.
Total 2

Absent or not voting: None.
Total 0

SB 195 - That SB 195 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 48

Noes: None.
Total 0

Excused: Galt, Smith.
Total 2

Absent or not voting: None.
Total 0

HB 61 - That HB 61 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Smith.
Total 2

Absent or not voting: None.
Total 0

HB 71 - That HB 71 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Smith.
Total 2

Absent or not voting: None.
Total 0

SJR 1 - That consideration on House amendments to SJR 1 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.

Total 0

Excused: Galt, Smith.
Total 2

Absent or not voting: None.
Total 0

SJR 8 - That SJR 8 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Smith.
Total 2

Absent or not voting: None.
Total 0

SB 101 - That SB 101 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Smith.
Total 2

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Lee moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 33 passed as follows:

Ayes: Aklestad, Boylan, Brown, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Goodover, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, McCallum, Norman, Ochsner, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.

Total 32

Noes: Berg, Blaylock, Christiaens, Conover, Eck, Fuller, Graham, Haffey, Halligan, Himsl, Jacobson, R. Manning, Mazurek, Mohar, Regan, Van Valkenburg.
Total 16

Excused: Galt, Smith.
Total 2

Absent or not voting: None.
Total 0

SB 45 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Smith.
Total 2

Absent or not voting: None.
Total 0

SB 100 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Smith.
Total 2

Absent or not voting: D. Manning.
Total 1

SB 123 passed as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lane, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Severson, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 36

Noes: Aklestad, Boylan, Elliott, Gage, Kolstad, Lee, Lynch, McCallum, Ochsner, Shaw, Turnage, Van Valkenburg.

Total 12

Excused: Galt, Smith.
Total 2

Absent or not voting: None.
Total 0

At the request of Senator Halligan, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Halligan moved that the Senate reconsider its action in accepting the adverse committee report on HB 74 and that it be placed on second reading. Motion failed as follows:

Ayes: Berg, Blaylock, Christiaens, Eck, Fuller, Goodover, Haffey, Halligan, Jacobson, Lynch, R. Manning, Mazurek, Mohar, Norman, Stimatz, Towe, Van Valkenburg.
Total 17

Noes: Aklestad, Boylan, Brown, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, D. Manning, Marbut, McCallum, Ochsner, Regan, Severson, Shaw, Story, Thomas, Turnage, Tveit, Mr. President.
Total 32

Paired: Mazurek, Aye; Galt, No.

Excused: Smith.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 4:07 p.m., until Friday, January 28, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TWENTY-THIRD LEGISLATIVE DAY

Helena, Montana
January 28, 1983

Senate Chambers
State Capitol

Senate convened at 2:58 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Etchart, Galt, Ochsner, Thomas, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the twenty-second legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 11, SB 95, SB 158, SB 161, SB 178, SB 216, SB 217, SB 239, SB 245, SB 260, SR 3.
Correctly engrossed: SB 52, SB 67, SB 101, SB 125, SB 129, SB 183, SB 195, SJR 8.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Kolstad, Vice-Chairman):
HB 164, be concurred in. Report adopted.

JUDICIARY (Turnage, Chairman):
SB 226, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, Chairman):
SB 69, introduced bill, be amended as follows:

1. Page 2, line 1.
Following: "$25"
Strike: "or 25% of the contributions due, whichever is greater,"

2. Page 2, line 2.
Following: "whenever"
Insert: ", as the result of a willful refusal of an employer to furnish wage information or pay contributions on time,"

3. Page 2, line 3.
Strike: "applies for"
Insert: "issues"

And, as amended, do pass. Report adopted.

SB 133, do pass. Report adopted.
SB 143, introduced bill, be amended as follows:

1. Title, line 9.
Following: "PERIOD;"
Insert: "DELETING A PENALTY PROVISION;"

2. Page 7, line 16.
Strike: section 5 in its entirety

And, as amended, do pass. Report adopted.

SB 169, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 146, do pass. Report adopted.
SB 163, do pass. Report adopted.

JUDICIARY (Turnage, Chairman):
SB 188, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Conover, Crippen, Dover, Elliott, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 38

Noes: Berg, Christiaens, Eck, Jacobson, Mohar, Regan, Towe.
Total 7

Excused: Etchart, Galt, Ochsner, Thomas.
Total 4

Absent or not voting: Daniels.
Total 1

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

January 27, 1983

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 46, 15.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 1/27/83

HB 78, introduced by Harper

HB 99, introduced by Hammond

HB 123, introduced by Hart

HB 132, introduced by Williams

HB 134, introduced by Williams

HB 176, introduced by Fabrega, et al.

HB 201, introduced by Addy, et al.

HB 219, introduced by Hannah, et al.

HB 225, introduced by Asay, et al.

HB 226, introduced by Asay, et al.

HB 236, introduced by Dozier

HB 258, introduced by Devlin, et al.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 309, introduced by Graham, Boylan, Himsl, Goodover, Severson, Lane. Referred to Committee on State Administration.
SB 310, introduced by Boylan, Stimatz. Referred to Committee on State Administration.
SB 311, introduced by Himsl, Blaylock, Hazelbaker, Jacobson, (By Request of the Legislative Audit Committee). Referred to Committee on State Administration.
SB 312, introduced by Himsl, Blaylock, Hazelbaker, Jacobson, (By Request of the Legislative Audit Committee). Referred to Committee on State Administration.
SB 313, introduced by Halligan, Christiaens, Berg, (By Request of the Department of Justice). Referred to Committee on Judiciary.
SB 314, introduced by Stimatz, (By Request of the Public Employees' Retirement Board). Referred to Committee on State Administration.
SB 315, introduced by Gage, Lee. Referred to Committee on Labor and Employment Relations.
SB 316, introduced by Towe, Conover, Lane, Boylan, Berg, Stimatz, Severson, Jacobsen, Saunders, Koehnke, Ochsner, Eck, Mohar, Fuller, Christiaens, R. Manning, Halligan, Graham. Referred to Committee on Agriculture, Livestock and Irrigation.
SB 317, introduced by Blaylock, Himsl, Graham, Gage, (By Request of the Legislative Audit Committee). Referred to Committee on State Administration.
SB 318, introduced by Graham, (By Request of the Department of Highways). Referred to Committee on Highways and Transportation.
SB 319, introduced by Stephens. Referred to Committee on State Administration.

The following House bills were introduced, read first time, and referred to committees:

HB 78, introduced by Harper, Fuller, Lory, Eudaily, J. Brown, Hemstad. Referred to Committee on State Administration.
HB 99, introduced by J. Hammond, (By Request of the Board of Public Education). Referred to Committee on Education and Cultural Resources.
HB 123, introduced by Hart, (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Public Health, Welfare and Safety.
HB 132, introduced by Williams, (By Request of the Revenue Oversight Committee). Referred to Committee on Business and Industry.
HB 134, introduced by Williams, (By Request of the Revenue Oversight Committee). Referred to Committee on Business and Industry.
HB 176, introduced by Fabrega, Berg, (By Request of the Board of Public Education). Referred to Committee on Education and Cultural Resources.
HB 201, introduced by Addy, Winslow, (By Request of the Personnel and Labor Relations Study Commission). Referred to Committee on Labor and Employment Relations.
HB 219, introduced by Hannah, R. Jensen, (By Request of the Secretary of State). Referred to Committee on Business and Industry.

HB 225, introduced by Asay, Norman, (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.

HB 226, introduced by Asay, Norman, (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.

HB 236, introduced by Dozier, (By Request of the Public Service Commission). Referred to Committee on Highways and Transportation.

HB 258, introduced by Devlin, Graham, Lee, Holliday, Ryan, Keyser, Schultz, (By Request of the Department of Livestock). Referred to Committee on Agriculture, Livestock and Irrigation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Brown in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 117 - That SB 117 do pass. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, McCallum, Norman, Regan, Shaw, Stimatz, Towe, Tveit, Van Valkenburg.
Total 32

Noes: Aklestad, Gage, Goodover, Himsl, Lane, Mazurek, Mohar, Severson, Story, Mr. President.
Total 10

Excused: Etchart, Galt, Ochsner, Thomas.
Total 4

Absent or not voting: Daniels, Fuller, Smith, Turnage.
Total 4

SJR 1 - That House amendments to SJR 1 be not concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Etchart, Galt, Ochsner, Thomas.
Total 4

Absent or not voting: None.
Total 0

SB 19 - That SB 19, without objection, be moved to the bottom of the board.

SB 106 - That SB 106 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Etchart, Galt, Ochsner, Thomas.
Total 4

Absent or not voting: None.
Total 0

SB 167 - That SB 167 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Etchart, Galt, Ochsner, Thomas.
Total 4

Absent or not voting: None.
Total 0

SB 205 - That SB 205 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Etchart, Galt, Ochsner, Thomas.
Total 4

Absent or not voting: None.
Total 0

SB 212 - That SB 212 do pass. Motion carried as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Eck, Elliott, Fuller, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Norman, Regan, Stimatz, Towe, Tveit, Van Valkenburg.
Total 27

Noes: Aklestad, Boylan, Crippen, Dover, Gage, Hammond, Himsl, Keating, Kolstad, Lee, Mohar, Severson, Shaw, Smith, Story, Mr. President.
Total 16

Excused: Etchart, Galt, Ochsner, Thomas.
Total 4

Absent or not voting: Daniels, McCallum, Turnage.
Total 3

HB 40 - That HB 40 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Elliott, Shaw.
Total 2

Excused: Etchart, Galt, Ochsner, Thomas.
Total 4

Absent or not voting: None.
Total 0

HB 45 - That HB 45 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Etchart, Galt, Ochsner, Thomas.
Total 4

Absent or not voting: None.
Total 0

HB 65 - That HB 65 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Etchart, Galt, Ochsner, Thomas.
Total 4

Absent or not voting: None.
Total 0

HB 66 - That HB 66 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Etchart, Galt, Ochsner, Thomas.
Total 4

Absent or not voting: None.
Total 0

HB 81 - That HB 81 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Etchart, Galt, Ochsner, Thomas.
Total 4

Absent or not voting: None.
Total 0

HB 87 - That HB 87 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Etchart, Galt, Ochsner, Thomas.
Total 4

Absent or not voting: None.
Total 0

HB 111 - That HB 111, third reading copy, be amended as follows:

1. Title, line 7.
Following: "AMENDING"

Strike: "SECTIONS"
Insert: "SECTION"
Strike: "AND 81-5-102"

2. Page 1, line 18.
Strike: section 2 in its entirety

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Etchart, Galt, Ochsner, Thomas.
Total 4

Absent or not voting: None.
Total 0

That HB 111, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Etchart, Galt, Ochsner, Thomas.
Total 4

Absent or not voting: None.
Total 0

SB 19 - That SB 19, second reading copy, be amended by adding the following statement of intent:

STATEMENT OF INTENT
SB 19

A statement of intent is required for this bill because it grants rulemaking authority to the Department of Administration for the purpose of administering the state grant to district courts programs.

Section 1 of this bill requires the Department of Administration to prescribe rules and forms necessary to effectively administer the program. It is contemplated that the rules will address the following:

(a) definition of terms;
(b) standard grant application format;
(c) circumstances for permitting time extension of grant application;
(d) form and timing of grant award notification; and
(e) procedures for adjusting grant awards following audit.

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Etchart, Galt, Ochsner, Thomas.
Total 4

Absent or not voting: None.
Total 0

That SB 19, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Etchart, Galt, Ochsner, Thomas.
Total 4

Absent or not voting: None.
Total 0

SB 212 - That SB 212 be segregated from the Committee of the Whole report. Motion carried as follows:

Ayes: Aklestad, Boylan, Brown, Crippen, Dover, Gage, Galt, Goodover, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Mr. President.
Total 27

Noes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Elliott, Fuller, Graham, Haffey, Hager, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, Regan, Thomas, Towe, Van Valkenburg.
Total 21

Paired: Aklestad, Galt, Ochsner, Ayes; Blaylock, Mazurek, Thomas, Noes.

Excused: Etchart.
Total 1

Absent or not voting: D. Manning.
Total 1

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Brown moved the adoption of the committee report, as amended. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 142 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Etchart, Galt, Ochsner, Thomas.
Total 4

Absent or not voting: D. Manning.
Total 1

SB 145 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Mr. President.
Total 43

Noes: Halligan, Van Valkenburg.
Total 2

Excused: Etchart, Galt, Ochsner, Thomas.
Total 4

Absent or not voting: D. Manning.
Total 1

SB 147 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Etchart, Galt, Ochsner, Thomas.
Total 4

Absent or not voting: D. Manning.
Total 1

SB 156 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Fuller, Gage, Goodover, Graham, Haffey,

Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Mr. President.
Total 42

Noes: Daniels, Mohar, Van Valkenburg.
Total 3

Excused: Etchart, Galt, Ochsner, Thomas.
Total 4

Absent or not voting: D. Manning.
Total 1

HB 64 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Boylan, Daniels.
Total 2

Excused: Etchart, Galt, Ochsner, Thomas.
Total 4

Absent or not voting: D. Manning.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Hazelbaker moved that the President be authorized to appoint a free conference committee to confer on House amendments to SJR 1. Motion carried unanimously.

The President appointed the following members:

Senator Turnage, Chairman
Senator Aklestad
Senator Blaylock

Senator Lee moved that SB 212 be taken from second reading and that it be referred to the Committee on State Administration.

Senator Elliott made a substitute motion that SB 212 be taken from second reading and that it be referred to the Committee on Highways and Transportation. Motion carried unanimously.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 4:44 p.m., until Saturday, January 29, 1983, at the hour of 9:00 a.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TWENTY-FOURTH LEGISLATIVE DAY

Helena, Montana
January 29, 1983

Senate Chambers
State Capitol

Senate convened at 8:58 a.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Galt, Ochsner, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the twenty-third legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 69, SB 133, SB 143, SB 146, SB 163, SB 169, SB 226.
Correctly engrossed: SB 19, SB 106, SB 117, SB 167, SB 205.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Kolstad, Vice-Chairman):
HB 82, third reading copy, be amended as follows:

1. Page 2, line 1.
Strike: "2-8-122"
Insert: "2-18-122"

The effect of this amendment is to return the bill to its original form.

Be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
SB 174, introduced bill, be amended as follows:

1. Page 2, line 4.
Following: "of"
Strike: "prime"
Insert: "highest"

And, as amended, do pass. Report adopted.

HB 63, be concurred in. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
SB 121, introduced bill, be amended as follows:

1. Page 1, line 20.
Following: "and"
Insert: "unanimously"

2. Page 1, line 21.
Following: "7-7-2227"
Insert: "(2)"

And, as amended, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 110, introduced bill, be amended as follows:

1. Title, line 7.

Following: "TAXES"
Strike: remainder of lines 7 and 8 in their entirety
Insert: " "

2. Page 1, line 11.
Strike: sections 1 and 2 in their entirety
Renumber: subsequent sections

3. Page 2, line 19.
Following: "has"
Strike: "improperly"
Insert: "incorrectly"

4. Page 2, line 23.
Following: "thereto"
Insert: "until paid in full"

5. Page 2, line 25.
Following: "payable."
Insert: "In no instance will a taxpayer subject to imposition of interest pursuant to this section be also subject to the penalty and interest provisions contained in 15-16-102."

6. Page 3, line 2.
Following: "Section"
Strike: "3"
Insert: "1"

7. Page 3, line 4.
Following: "Section"
Strike: "3"
Insert: "1"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 1/28/83

HB 165, introduced by Miller

HB 166, introduced by Miller

HB 192, introduced by Schultz, et al.

HB 203, introduced by Veleber, et al.

HB 214, introduced by Howe

HB 224, introduced by Jensen

HB 229, introduced by Ramirez, et al.

HB 253, introduced by Vinger, et al.

HB 347, introduced by Donaldson

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 320, introduced by Gage. Referred to Committee on State Administration.

SB 321, introduced by Turnage, Stimatz, Graham, Mazurek, (By Request of the Department of Natural Resources and Conservation). Referred to Committee on Judiciary.

SB 322, introduced by Halligan. Referred to Committee on Business and Industry.
SJR 11, introduced by Berg, Eck, Ream, Harper, Kadas, Hansen. Referred to Committee on State Administration.

The following House bills were introduced, read first time, and referred to committees:

HB 165, introduced by Miller, (By Request of the Department of Livestock). Referred to Committee on Agriculture, Livestock and Irrigation.
HB 166, introduced by Miller. Referred to Committee on Education and Cultural Resources.
HB 192, introduced by Schultz, Keyser, Winslow, Ernst, Eudaily, Iverson, Bertelsen, Donaldson, Bliss. Referred to Committee on Education and Cultural Resources.
HB 203, introduced by Veleber, Lory, Fagg, Ramirez, Quilici, (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Natural Resources.
HB 214, introduced by Howe, (By Request of the Department of State Lands). Referred to Committee on Natural Resources.
HB 224, introduced by R. Jensen. Referred to Committee on Education and Cultural Resources.
HB 229, introduced by Ramirez, Goodover, Mazurek, (By Request of the Secretary of State). Referred to Committee on Business and Industry.
HB 253, introduced by Vinger, Holliday, Keyser, Pavlovich, Marks, Graham, Goodover. Referred to Committee on Business and Industry.
HB 347, introduced by Donaldson. Referred to Committee on Business and Industry.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Lynch in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 11 - That SB 11 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Ochsner.
Total 2

Absent or not voting: None.
Total 0

SB 158 - That SB 158 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Ochsner.
Total 2

Absent or not voting: None.
Total 0

SB 161 - That SB 161 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Ochsner.
Total 2

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Lynch moved the adoption of the committee report. Report adopted.

Senate stood at ease at 9:31 a.m. subject to the call of the Chair.

Senate resumed at 9:34 a.m.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 52 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Boylan, Elliott, Goodover, Lee, Severson, Smith.
Total 6

Excused: Galt, Ochsner.
Total 2

Absent or not voting: None.
Total 0

SB 67 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Ochsner.
Total 2

Absent or not voting: None.
Total 0

SB 101 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Ochsner.
Total 2

Absent or not voting: None.
Total 0

SB 125 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Shaw.
Total 1

Excused: Galt, Ochsner.
Total 2

Absent or not voting: None.

Total 0

SB 129 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Daniels.
Total 1

Excused: Galt, Ochsner.
Total 2

Absent or not voting: None.
Total 0

SB 183 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Ochsner.
Total 2

Absent or not voting: Mohar.
Total 1

SB 195 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Ochsner.
Total 2

Absent or not voting: None.
Total 0

HB 61 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover,

Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Ochsner.
Total 2

Absent or not voting: None.
Total 0

HB 71 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Ochsner.
Total 2

Absent or not voting: None.
Total 0

SJR 8 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt, Ochsner.
Total 2

Absent or not voting: None.
Total 0

At the request of Senator Hazelbaker, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Lynch in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

Senators Etchart and Thomas excused at 9:44 a.m.

SB 178 - That SB 178 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Etchart, Galt, Ochsner, Thomas.
Total 4

Absent or not voting: None.
Total 0

SB 216 - That SB 216 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Etchart, Galt, Ochsner, Thomas.
Total 4

Absent or not voting: None.
Total 0

SB 217 - That SB 217 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Etchart, Galt, Ochsner, Thomas.
Total 4

Absent or not voting: None.
Total 0

SB 239 - That SB 239 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Goodover, Graham,

Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Etchart, Galt, Ochsner, Thomas.
Total 4

Absent or not voting: None.
Total 0

SB 245 - That SB 245 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Etchart, Galt, Ochsner, Thomas.
Total 4

Absent or not voting: None.
Total 0

SB 260 - That SB 260 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Etchart, Galt, Ochsner, Thomas.
Total 4

Absent or not voting: None.
Total 0

SR 3 - That SR 3 be adopted. Motion carried as follows:

Ayes: Aklestad, Boylan, Brown, Conover, Crippen, Daniels, Dover, Elliott, Gage, Goodover, Graham, Halligan, Hammond, Hazelbaker, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, McCallum, Norman, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 29

Noes: Berg, Blaylock, Christiaens, Eck, Fuller, Haffey, Himsl, R. Manning, Marbut, Mazurek, Mohar, Regan, Stimatz, Towe, Van Valkenburg.
Total 15

Excused: Etchart, Galt, Ochsner, Thomas.
Total 4

Absent or not voting: Hager, Keating.
Total 2

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Lynch moved the adoption of the committee report. Report adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 11:01 a.m., until Monday, January 31, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TWENTY-FIFTH LEGISLATIVE DAY

Helena, Montana
January 31, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Norman, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the twenty-fourth legislative day, find the same to be correct.

Tveit, Chairman

SPECIAL ORDERS OF THE DAY

Former Senator and House member Stuart Olson was introduced.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 110, SB 121, SB 174.
Correctly engrossed: SB 11, SB 158, SB 161, SB 178, SB 216, SB 217, SB 239, SB 245, SB 260.
Correctly enrolled: SR 3.
Examined by the sponsor (Goodover) and found to be correct: SR 3.
Signed by the President at 10:15 a.m., 1/31/83: HB 15.
Signed by the President at 2:00 p.m., 1/31/83: SR 3.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully report as follows:

That the following attaches of the Senate be employed as of 8:00 a.m. on Monday, January 31, 1983:

Rebecca "Becky" Snortland ..... Page
Sylvia Morrison ..... Page
Joel Stokes ..... Page
Rachel Rademacher ..... Page
Roger Peterson ..... Page
Kathleen Mahoney ..... Page
Phyllis Pegar ..... Page
John Hartnett ..... Page

And that the following attaches of the Senate be terminated as of 5:00 p.m. on Saturday, January 29, 1983:

Lisa Graveley ..... Page
Mary Melissa Danielson ..... Page
Jan Walkonis ..... Page
Tammy McCaslin ..... Page
Joseph Micheletti ..... Page
Shawn Brooke ..... Page

Report adopted.

STATE ADMINISTRATION (Story, Chairman):

SB 118, introduced bill, be amended as follows:

1. Title, line 5.
Strike: ", EXCHANGE,"

2. Page 1, line 9.
Strike: ", exchange,"

3. Page 1, line 10.
Strike: ", exchange,"

4. Page 1, line 15.
Strike: "or"
Insert: ", on agricultural, wildlife, or recreational resources of the state, or on"

5. Page 1, line 18.
Strike: ", exchange,"

6. Page 1, line 20.
Following: "(1)"
Insert: "and that no hearing has been or will be conducted by a federal agency affording the opportunity for expression of public opinion regarding the proposed sale or transfer"

7. Page 1, line 21.
Strike: ", exchange,"

8. Page 1.
Following: line 24
Insert: "(3) The sale or transfer of easements by an agency of the United States government and the transfer of land by the United States to the state of Montana in satisfaction of land owed to the state pursuant to the enabling act is exempt from the operation of this section."

9. Page 2, line 2.
Strike: ", exchange,"

10. Page 2, line 15.
Strike: ", exchange,"

And, as amended, do pass. Report adopted.

SB 141, do pass. Report adopted.
SB 230, introduced bill, be amended as follows:

1. Page 2, line 1.
Following: "of"
Strike: "the"
Insert: "each person who has signed the petition to assure that they are"

2. Page 2, lines 2 and 3.
Strike: "in the manner prescribed in 13-27-303"

3. Page 3, line 23.
Strike: "20"
Insert: "30"

4. Page 3, line 25.
Strike: "20"
Insert: "30"

And, as amended, do pass. Report adopted.

SB 258, introduced bill, be amended as follows:

1. Page 1, line 19.
Following: line 18
Strike: "$100"
Insert: "$50"

And, as amended, do pass. Report adopted.

SJR 9, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 96, introduced bill, be amended as follows:

1. Page 2, line 18.
Following: "~~year.~~;"
Strike: "and"
Insert: "(b) an amount to be determined by the legislature in the economic development fund established by [initiative 95]; and"
Renumber: subsequent subsection

2. Page 2, line 20.
Following: "subfunds"
Strike: "not otherwise specifically appropriated"

3. Page 3.
Following: line 1
Insert: "NEW SECTION. Section 3. Deposits to general fund available for appropriation. The funds deposited to the general fund under 17-5-704(2)(c) are available each biennium for appropriation by the legislature.

NEW SECTION. Section 4. Nonseverability. It is the intent of the legislature that each part of [this act] is essentially dependent upon every other part. If one part is held unconstitutional or invalid, all other parts are invalid and 17-5-703 and 17-5-704 are not amended in any manner by this act."
Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 189, do pass. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
SB 164, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Norman.
Total 1

Absent or not voting: Graham.
Total 1

STATE ADMINISTRATION (Story, Chairman):

SB 28, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Boylan, Brown, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, D. Manning, Marbut, Mazurek, McCallum, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 37

Noes: Berg, Blaylock, Christiaens, Eck, Fuller, Lynch, R. Manning, Mohar, Regan, Towe.
Total 10

Excused: Norman.
Total 1

Absent or not voting: Graham, Jacobson.
Total 2

SB 104, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Crippen, Goodover, Keating.
Total 3

Excused: Norman.
Total 1

Absent or not voting: Graham.
Total 1

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House, on 1/29/83, acceded to the request of the Senate and appointed a free conference committee to meet with a like committee from the Senate to confer on SJR 1.

The Speaker appointed the following members:

Representative Vincent, Chairman
Representative Yardley
Representative Ramirez

Senate bill concurred in and returned to the Senate: 1/29/83

SB 13, introduced by Mazurek

House bills passed and transmitted to the Senate for concurrence: 1/29/83

HB 58, introduced by Ryan

HB 68, introduced by Harper

HB 139, introduced by Eudaily, et al.

HB 202, introduced by J. Brown

HB 210, introduced by Pistoria

HB 212, introduced by Fabrega, et al.

HB 218, introduced by Kitselman

HB 221, introduced by Hannah

HB 233, introduced by Kitselman, et al.

HB 244, introduced by Fabrega, et al.

HB 246, introduced by Mueller, et al.

HB 255, introduced by Wallin, et al.

HB 257, introduced by Ramirez, et al.

HB 270, introduced by Driscoll, et al.

HB 301, introduced by Harper

HB 302, introduced by Harper

HB 338, introduced by Fabrega, et al.

HB 339, introduced by Fabrega, et al.

HB 342, introduced by Ellison

SPECIAL ORDERS OF THE DAY

Superintendent of Public Instruction, Ed Argenbright, presented Don Goddard of Flathead County High School the 1983 Teacher of the Year Award.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 7.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 323, introduced by Hager. Referred to Committee on Business and Industry.

SB 324, introduced by Towe, Regan, Blaylock, Conover, Fagg, Williams, Sands, Hannah, Winslow, Keating, Bengtson, Driscoll, J. Jensen, Kitselman, Hager, Saunders, Crippen, Addy, Ramirez, Dozier, (By Request of the Department of Institutions). Referred to Committee on State Administration.

SB 325, introduced by Christiaens. Referred to Committee on Business and Industry.

SB 326, introduced by Blaylock, McCallum, Towe, Van Valkenburg. Referred to Committee on Judiciary.

SB 327, introduced by Keating, Crippen, Stephens, Hager, Towe, O'Connell, Nordtvedt, Ramirez. Referred to Committee on State Administration.

SB 328, introduced by Towe. Referred to Committee on Judiciary.

SB 329, introduced by Towe, Norman, Eck, Blaylock, Williams, Berg, R. Manning, Kemmis, Driscoll, Mohar, Bardanouve, J. Jensen, Dozier, Menahan, Keenan, Yardley. Referred to Committee on Taxation.

SB 330, introduced by Galt, Holliday, Hager, Dover, Berg, Mazurek, E. Smith. Referred to Committee on Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 58, introduced by Ryan. Referred to Committee on Local Government.

HB 68, introduced by Harper. Referred to Committee on Natural Resources.

HB 139, introduced by Eudaily, Keyser, Peck. Referred to Committee on Judiciary.

HB 202, introduced by J. Brown. Referred to Committee on Taxation.

HB 210, introduced by Pistoria. Referred to Committee on Judiciary.

HB 212, introduced by Fabrega, Mazurek, Christiaens, Lane, Mohar, Bergene, Miller, Hemstad, Thomas, Farris, O'Connell, Vincent, Bachini, Ream, J. Hammond. Referred to Committee on Local Government.

HB 218, introduced by Kitselman. Referred to Committee on Business and Industry.

HB 221, introduced by Hannah. Referred to Committee on Education and Cultural Resources.

HB 233, introduced by Kitselman, Sales, Bliss, (By Request of the Secretary of State). Referred to Committee on State Administration.

HB 244, introduced by Fabrega, Christiaens. Referred to Committee on Business and Industry.

HB 246, introduced by Mueller, Thoft, Nilson, Etchart, Boylan, Haffey, (By Request of the Task Force on Corrections). Referred to Committee on Judiciary.

HB 255, introduced by Wallin, Ellison, Nordtvedt, Mueller, Swift, Ernst, Bertelsen, Sales, Switzer, Devlin, Keyser, Schultz, R. Jensen, Fagg, Iverson, Ellerd, Boylan, Marks. Referred to Committee on Natural Resources.

HB 257, introduced by Ramirez, Fagg, Spaeth, (By Request of the Secretary of State). Referred to Committee on Judiciary.

HB 270, introduced by Driscoll, Dozier, Spaeth, J. Jensen, Mohar, Menahan, Hemstad, Keenan, Daily, Quilici, McCormick, D. Brown, Darko, Harrington, McBride, (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.

HB 301, introduced by Harper, (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.

HB 302, introduced by Harper, (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.

HB 338, introduced by Fabrega, Metcalf, O'Connell, Harrington. Referred to Committee on Business and Industry.

HB 339, introduced by Fabrega, Pavlovich, O'Connell, Wallin, Lory. Referred to Committee on Business and Industry.

HB 342, introduced by Ellison, (By Request of the Department of Fish, Wildlife, and Parks). Referred to Committee on Fish and Game.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Conover in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 69 - That SB 69 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover,

Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Elliott.
Total 1

Excused: Norman.
Total 1

Absent or not voting: None.
Total 0

SB 95 - That SB 95, second reading copy, be amended as follows:

1. Page 1, line 18.
Strike: "following"

2. Page 1, line 19.
Following: "received"
Strike: ":"
Insert: "which will be apportioned to the various funds of the respective school districts."

3. Page 1, line 20.
Following: line 19
Strike: line 20 on page 1 through line 9 on page 2

Senator Turnage withdrew the amendment.

That SB 95 do pass. Motion carried as follows:

Ayes: Aklestad, Brown, Daniels, Dover, Elliott, Gage, Galt, Graham, Haffey, Halligan, Hazelbaker, Keating, Kolstad, Lee, Lynch, D. Manning, Marbut, McCallum, Mohar, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Van Valkenburg.
Total 27

Noes: Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Eck, Etchart, Fuller, Goodover, Hager, Hammond, Himsl, Jacobson, Lane, R. Manning, Mazurek, Regan, Stimatz, Thomas, Towe, Mr. President.
Total 22

Excused: Norman.
Total 1

Absent or not voting: None.
Total 0

SB 114 - That SB 114 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.

Total 0

Excused: Norman.
Total 1

Absent or not voting: None.
Total 0

SB 133 - That SB 133 do pass. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Aklestad, Galt, Goodover, Hammond, Severson, Shaw.
Total 6

Excused: Norman.
Total 1

Absent or not voting: None.
Total 0

SB 143 - That consideration on SB 143 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Norman.
Total 1

Absent or not voting: None.
Total 0

SB 146 - That SB 146 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Norman.
Total 1

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Conover moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 19 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Norman.
Total 1

Absent or not voting: None.
Total 0

SB 106 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Regan, Severson, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Boylan, Galt, Goodover, Kolstad, Ochsner, Shaw, Smith.
Total 7

Excused: Norman.
Total 1

Absent or not voting: None.
Total 0

SB 117 passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Galt, Graham, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Aklestad, Gage, Goodover, Hammond, Himsl, Lee, Severson, Story.
Total 8

Excused: Norman.
Total 1

Absent or not voting: None.
Total 0

SB 167 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Norman.
Total 1

Absent or not voting: None.
Total 0

SB 205 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Norman.
Total 1

Absent or not voting: Hazelbaker.
Total 1

HB 40 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Regan, Severson, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 43

Noes: Elliott, Hammond, Ochsner, Shaw, Smith, Tveit.
Total 6

Excused: Norman.
Total 1

Absent or not voting: None.
Total 0

HB 45 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Norman.
Total 1

Absent or not voting: None.
Total 0

HB 65 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Norman.
Total 1

Absent or not voting: None.
Total 0

HB 66 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Shaw.
Total 1

Excused: Norman.
Total 1

Absent or not voting: None.
Total 0

HB 81 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Norman.
Total 1

Absent or not voting: None.
Total 0

HB 87 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 42

Noes: Aklestad, Hammond, Kolstad, Lee, Tveit, Mr. President.
Total 6

Excused: Norman.
Total 1

Absent or not voting: Shaw.
Total 1

HB 111 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 47

Noes: Turnage, Mr. President.
Total 2

Excused: Norman.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 5:07 p.m., until Tuesday, February 1, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TWENTY-SIXTH LEGISLATIVE DAY

Helena, Montana
February 1, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Norman, Thomas, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the twenty-fifth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 96, SB 118, SB 141, SB 189, SB 230, SB 258, SJR 9.
Correctly engrossed: SB 69, SB 95, SB 114, SB 133, SB 146.
Signed by the President at 10:30 a.m., 2/1/83: HB 10, HB 61, HB 64, HB 71.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
SB 62, introduced bill, be amended as follows:

1. Page 1, line 23.
Following: "~~has~~"
Strike: "does"
Insert: "will"

2. Page 1, line 24.
Following: "in"
Strike: "any other"
Insert: "more than one"

3. Page 2, line 2.
Following: "~~family~~"
Insert: "or any member of his immediate family"

4. Page 3, line 8.
Following: "~~has~~"
Strike: "does"
Insert: "will"

5. Page 3, line 9.
Following: "in"
Strike: "any other"
Insert: "more than one"

6. Page 3, line 12.
Following: "~~family~~"
Insert: "or any member of his immediate family"

7. Page 4, line 17.
Following: line 16
Strike: subsection (4)(a)(ii) in its entirety
Renumber: subsequent subsections

8. Page 5, line 7.

Following: "subsection (4)(a)"
Strike: "(iii)"
Insert: "(ii)"

And, as amended, do pass. Report adopted.

Amendments of 1/31/83 supersede the amendments of 1/19/83.

SB 103, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman):
SB 240, do pass. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
SB 276, do pass. Report adopted.
SB 277, do pass. Report adopted.
SB 278, do pass. Report adopted.
SB 279, do pass. Report adopted.
SB 280, introduced bill, be amended as follows:

1. Page 1, line 10.
Following: "85-7-1956."
Strike: "Petition"
Insert: "Majority vote or petition"

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SB 180, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 180

A statement of intent is necessary for Senate Bill 180 because it adds to the laws relating to premarital serological tests rulemaking authority for the Department of Health and Environmental Sciences to specify allowable exceptions to the test requirement.

Present law defines a premarital serological test as including both a test for rubella immunity and a test for syphilis. Senate Bill 180 eliminates the syphilis test requirement and requires the rubella test only of female applicants for a marriage license, since the purpose of the rubella test is to alert the license applicants to lack of immunity to the disease which could result in damage to a fetus if rubella were contracted during pregnancy. Since the test is of value only to women capable of bearing children, there is no purpose in requiring the test of women incapable of doing so. Therefore, the rules would define those categories of women whose medical status precludes them, with reasonable medical certainty, from bearing children, including, but not limited to, women over childbearing age and those whose physicians certify they are incapable of bearing children.

SB 193, do pass. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 181, introduced bill, be amended as follows:

1. Title, line 6.
Following: "SYSTEM"
Insert: "AND ITS FUNCTIONS"

2. Title, line 7.
Following: "COMMERCE; TO"

Insert: "CHANGE THE NAME AND"

3. Title, line 9.
Strike: "SECTION"
Insert: "SECTIONS 7-1-4121, 15-36-112, AND"

4. Page 1.
Following: line 12
Insert: "Section 1. Section 7-1-4121, MCA, is amended to read:

"7-1-4121. General definitions. As used in 7-1-4121 through 7-1-4149, unless otherwise provided, the following definitions apply:

(1) "Charter" means a written document defining the powers, structure, privileges, rights, and duties of the government and limitations thereon.

(2) "Chief executive" means the elected executive in a government adopting the commission-executive form, the manager in a government adopting the commission-manager form, the chairman in a government adopting the commission-chairman form, the town chairman in a government adopting the town meeting form, the commission acting as a body in a government adopting the commission form, or the officer or officers so designated in the charter in a government adopting a charter.

(3) "Elector" means a resident of the municipality qualified and registered to vote under state law.

(4) "Employee" means a person other than an officer who is employed by a municipality.

(5) "Executive branch" means that part of the municipality, including departments, offices, and boards, charged with implementing actions approved and administering policies adopted by the governing body of the local government or performing the duties required by law.

(6) "Governing body" means the commission or town meeting legislative body established in the alternative form of local government.

(7) "Guideline" means a suggested or recommended standard or procedure to serve as an index of comparison and is not enforceable as a regulation.

(8) "Law" means a statute enacted by the legislature of Montana and approved and signed by the governor or a statute adopted by the people of Montana through statutory initiative procedures.

(9) "Municipality" means an entity which incorporates as a city or town.

(10) "Office of the municipality" means the permanent location of the seat of government from which the records administrator, or the office of the clerk of the governing body where one is appointed, carries out his duties.

(11) "Officer" means a person holding a position with a municipality which is ordinarily filled by election or, in those municipalities with a manager, the manager.

(12) "Ordinance" means an act adopted and approved by a municipality, having effect only within the jurisdiction of the local government.

(13) "Person" means any individual, firm, partnership, company, corporation, trust, trustee, assignee or other representative, association, or other organized group.

(14) "Plan of government" means a certificate submitted by a governing body that documents the basic form of government selected, including all applicable suboptions. The plan must establish the terms of all officers and the number of commissioners, if any, to be elected.

(15) "Political subdivision" refers to a local government, authority, school district, or multicounty agency.

(16) "Population" means the number of inhabitants as determined by an official federal, state, or local census or official population estimate approved by the department of ~~administration~~ commerce.

(17) "Printed" means the act of reproducing a design on a surface by any process as defined by 1-1-203(3).

(18) "Public agency" means a political subdivision, Indian tribal council, state or federal department or office, or the Dominion of Canada or any provincial department or office or political subdivision thereof.

(19) "Public property" means any and all property owned by a municipality or held in the name of a municipality by any of the departments, boards, or authorities of the local government.

(20) "Real property" means lands, structures, buildings, and interests in land, including lands under water and riparian rights, and all things and rights usually included within the term "real property", including not only fee simple absolute but also all lesser interests such as easements, rights-of-way, uses, leases, licenses, and all other incorporeal hereditaments and every estate, interest, or right, legal or equitable, pertaining to real property.

(21) "Reproduced" means the act of reproducing a design on any surface by any process.

(22) "Resolution" means a statement of policy by the governing body or an order by the governing body that a specific action be taken.

(23) "Service" means an authorized function or activity performed by local government.

(24) "Structure" means the entire governmental organization through which a local government carries out its duties, functions, and responsibilities."

Section 2. Section 15-36-112, MCA, is amended to read:

"15-36-112. Disposition of oil and gas severance taxes. (1) Each year the department of revenue shall determine the amount of tax collected under this chapter from within each county.

(2) The severance taxes collected under this chapter are allocated as follows:

(a) the amount, if any, by which the tax collected from within a county for any fiscal year exceeds the total amount collected from within that county for the previous fiscal year, by reason of increased production and not because of increase in or elimination

of federal price ceilings on oil and gas, is allocated to the general fund of the county for distribution as provided in subsection (3);

(b) any amount not allocated to the county under subsection (2)(a) is allocated to the state general fund.

(3) (a) The county treasurer shall distribute the money received under this section to the county and to all the incorporated cities and towns within the county in the following manner. The county receives the available money multiplied by the ratio of the rural population to the county population. Each incorporated municipality receives the available money multiplied by the ratio of the population of the incorporated municipality to the county population. The rural population is that population of the county living outside the boundaries of an incorporated municipality. Population shall be based on the most recent figures as determined by the department of ~~administration~~ commerce.

(b) The money distributed under this subsection may be used for any purpose as determined by the governing body of the county, city, or town.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 235, introduced bill, be amended as follows:

1. Page 2, line 8.
Strike: "forms"
Insert: "agency budget requests,"
Following: "completed"
Insert: "by the budget office,"

2. Page 2, line 9.
Strike: "entity"
Insert: "agency"

3. Page 2, line 12.
Following: "consolidated"
Insert: "agency"
Following: "summary"
Insert: "for current level expenditures and for each modification request"

4. Page 2, line 21.
Strike: "explanatory"
Strike: "or statements,"

5. Page 2, line 24.
Strike: "an analysis"
Insert: "a schedule"

6. Page 3, line 2.
Strike: "analysis"
Insert: "schedule"

7. Page 3, line 5.
Strike: "a departmental analysis"
Insert: "an agency schedule"

8. Page 3, line 6.
Strike: "by agency"

9. Page 3, line 9.

Strike: "departmental"
Insert: "agency"

10. Page 3, line 11.
Strike: "department"
Insert: "agency"

11. Page 3, line 23 through page 4, line 1.
Following: "project." on line 23
Strike: line 23 through line 1 on page 4 in their entirety

12. Page 4, line 9.
Strike: "and the legislative fiscal analyst"

13. Page 4.
Following: line 10
Insert: "(2) Between August 15 and September 30 in the year preceding the convening of the legislature, the director must submit each state agency's budget request required under 17-7-111 to the legislative fiscal budget analyst. The transfer of budget information shall be done on a schedule mutually agreed to by the budget director and the legislative fiscal analyst in a manner that facilitates an even transfer of budget information during the month of September and which allows each office to maintain a reasonable staff workflow."
Renumber: subsequent subsection

And, as amended, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 72, introduced bill, be amended as follows:

1. Title, line 5.
Following: "AN ACT TO"
Strike: "CHANGE"
Insert: "REQUIRE A QUARTERLY REPORT OF GROSS YIELD FOR PURPOSES OF"

2. Title, line 7.
Following: "SECTIONS"
Strike: "15-38-103"
Insert: "15-38-105"
Following: "15-38-107"
Strike: "AND 15-38-202"

3. Page 1, line 11 through page 2, line 23.
Strike: sections 1 and 2
Renumber: subsequent sections

4. Page 3.
Following: line 4
Insert: "quarterly"

5. Page 3, lines 7 through 8.
Following: "quarter"
Strike: "for which the statement is made and the value thereof"

6. Page 4, line 7.
Following: "~~Payment~~"
Strike: "Quarterly payment"
Insert: "Payment"

7. Page 4, lines 14 through 19.

Following: "~~department~~"
Strike: through "period" on line 19
Insert: ", on or before March 1, on the value of product in the year preceding January 1 of the year in which the tax is paid. The tax shall be paid to the department at the time the statement of yield for the last calendar quarter is filed with the department"

8. Page 5.
Following: line 1
Insert: "four quarterly"

9. Page 5, lines 4 through 6.
Following: "the taxpayer"
Strike: "making the statement for the ~~year~~ quarter for which the statement is filed"

10. Page 5, line 12.
Following: "~~years~~"
Strike: "quarters"
Insert: "years"

11. Page 5.
Following: line 21
Strike: "total gross value of product"
Insert: "gross yield of the mineral"

12. Page 5, line 24.
Following: "in which the"
Strike: "tax is to be paid"
Insert: "statement is to be filed"

13. Page 5, line 25.
Following: "tax"
Insert: "that would be"
Following: "state"
Insert: "if the tax were paid on a quarterly basis"

14. Page 6, line 2.
Following: "penalty of"
Strike: "10% thereof"
Insert: "$25 or 2%, whichever is greater.

(2) If any person fails, refuses, or neglects to pay the tax when due, the department shall immediately determine, as nearly as may be possible from any information which the department may be able to obtain, the total gross value of product of the person from the business during the year for which the tax is due and shall fix the amount of tax due to the state and shall add to the amount a penalty of 8%"
Renumber: subsequent subsections

15. Page 6, line 7.
Following: "person"
Strike: "required"
Insert: "failing"

16. Page 6, line 8.
Following: "statement"
Strike: "and"
Insert: "or"

17. Page 6, line 16 through page 7, line 8.

Strike: section 6
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

Senators Boylan and Daniels excused at 3:08 p.m.

BUSINESS AND INDUSTRY (Kolstad, Chairman):

SB 105, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Dover, Keating.
Total 2

Excused: Boylan, Daniels, Norman, Thomas.
Total 4

Absent or not voting: Story.
Total 1

SB 249, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Berg, Hager, Mohar, Towe.
Total 4

Excused: Boylan, Daniels, Norman, Thomas.
Total 4

Absent or not voting: None.
Total 0

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 1/31/83

HB 85, introduced by Bertelsen

HB 110, introduced by Winslow, et al.

HB 122, introduced by Addy, et al.

HB 130, introduced by Stobie, et al.

HB 135, introduced by Yardley

HB 152, introduced by Kitselman

HB 172, introduced by Williams, Yardley

HB 193, introduced by Pistoria, et al.

HB 198, introduced by Harp, Waldron

HB 205, introduced by Fabrega, et al.

HB 223, introduced by Hammond, et al.

HB 239, introduced by Hemstad

HB 248, introduced by Fabrega, et al.

HB 264, introduced by McBride, et al.

HB 267, introduced by Kitselman

HB 274, introduced by Peck, Eudaily

MOTIONS

Senators Boylan and Daniels present at 3:19 p.m.

Senator Berg moved that the Senate reconsider its action on SB 28 and that it be placed on second reading. Motion carried as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Ochsner, Regan, Smith, Stimatz, Towe, Van Valkenburg.
Total 27

Noes: Aklestad, Boylan, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Kolstad, Lee, McCallum, Severson, Shaw, Story, Turnage, Tveit, Mr. President.
Total 20

Excused: Norman, Thomas.
Total 2

Absent or not voting: Keating.
Total 1

Senator McCallum moved that SB 21 be taken from the Committee on Taxation and that it be referred to the Committee on Local Government. Motion carried unanimously.

Senator Turnage moved that SB 133 be taken from third reading and that it be referred to second reading for the purpose of amendment. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Lynch.
Total 1

Excused: Norman, Thomas.
Total 2

Absent or not voting: None.
Total 0

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 331, introduced by Keating. Referred to Committee on Education and Cultural Resources.
SB 332, introduced by Marbut, Norman, Towe, Fuller, Spaeth, Harp. Referred to Committee on Local Government.
SB 333, introduced by Goodover, Tveit, Harp, McCallum, H. Hammond. Referred to Committee on Labor and Employment Relations.
SB 334, introduced by Hager. Referred to Committee on Taxation.
SB 335, introduced by Towe, Turnage, Fabrega, Yardley, Williams, Marks, Ramirez, Abrams, Thomas, Berg, Blaylock, Goodover, McCallum, Kolstad, Harrington, Kitselman, Neuman, Zabrocki, Donaldson, Severson, Christiaens, Nordtvedt. Referred to Committee on Taxation.
SB 336, introduced by Daniels. Referred to Committee on Fish and Game.
SB 337, introduced by Towe. Referred to Committee on Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 85, introduced by Bertelsen, (By Request of the Department of Livestock). Referred to Committee on Agriculture, Livestock and Irrigation.
HB 110, introduced by Winslow, Roush, Schultz, Keyser, Elliott. Referred to Committee on Education and Cultural Resources.
HB 122, introduced by Addy, Hemstad, Roush, Underdal, Lory, J. Jensen, Van Valkenburg, Bengtson, J. Hammond, Hager, Eudaily, Shontz, Bardanouve, Darko, Switzer, Neuman, Saunders, Daily, Lybeck, Nordtvedt, Peck, Swift, Donaldson, Schye, Farris, (By Request of the Department of State Lands). Referred to Committee on Natural Resources.
HB 130, introduced by Stobie, R. Jensen, Lory, Underdal, C. Smith, Jones, Asay, Jacobson, Haffey, Eudaily, Donaldson, Curtiss, Ellison, Thoft, Abrams, Hanson, Ramirez, Ryan, Hemstad, Hannah, J. Hammond, Menahan, McCallum, H. Hammond, Schultz, Holliday, Ellerd, Devlin, Switzer, Compton, Norman, Harrington, Winslow, Bengtson, E. Smith, Gage, Manuel, Mueller, Lynch, Sales, Seifert, Goodover, Keyser, J. Brown, Addy, J. Jensen, Iverson, Bergene, D. Brown, Darko, Kennerly, Marks, Farris, Spaeth, Pavlovich, Daily. Referred to Committee on Judiciary.
HB 135, introduced by Yardley. Referred to Committee on Natural Resources.
HB 152, introduced by Kitselman. Referred to Committee on Local Government.
HB 172, introduced by Williams, Yardley. Referred to Committee on Local Government.
HB 193, introduced by Pistoria, R. Manning, McCormick. Referred to Committee on Local Government.
HB 198, introduced by Harp, Waldron, (By Request of the Department of Highways). Referred to Committee on Highways and Transportation.
HB 205, introduced by Fabrega, Harp, Thomas. Referred to Committee on Highways and Transportation.

HB 223, introduced by J. Hammond, Mohar, Ream, Bengtson, (By Request of the Department of Institutions). Referred to Committee on Public Health, Welfare and Safety.

HB 239, introduced by Hemstad, (By Request of the State Auditor). Referred to Committee on Education and Cultural Resources.

HB 248, introduced by Fabrega, Towe, Hager, (By Request of the Revenue Oversight Committee). Referred to Committee on Public Health, Welfare and Safety.

HB 264, introduced by McBride, Mohar, Marbut, B. Brown, J. Jensen, Metcalf, Asay, Fabrega, Veleber, D. Brown, Pavlovich, J. Hammond, Hand, Bertelsen, Ream, Addy, J. Brown, Kadas, Neuman, Bergene, Nisbet, Brand, Darko, Harper, Schye, Vincent, Fagg, Abrams, Saunders, Keenan, Dozier, Spaeth, Iverson, Mazurek, Kemmis, Driscoll, Berg, Dover, (By Request of the Department of Natural Resources and Conservation). Referred to Committee on Taxation.

HB 267, introduced by Kitselman. Referred to Committee on Business and Industry.

HB 274, introduced by Peck, Eudaily. Referred to Committee on Education and Cultural Resources.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator R. Manning in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 143 - That SB 143, second reading copy, be amended as follows:

1. Title, line 10.
Strike: "DELETING A PENALTY PROVISION;"

2. Page 7.
Following: line 16
Insert: "(5) Every person, corporation, stock company, or association of persons who violates any of the provisions of this section is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than $100 or more than $600 or by imprisonment in the county jail for not less than 30 days or more than 7 months or by both such fine and imprisonment."

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Norman, Thomas.
Total 2

Absent or not voting: None.

Total 0

That SB 143, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Brown, Conover, Dover, Elliott, Etchart, Gage, Galt, Graham, Hammond, Hazelbaker, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 24

Noes: Berg, Blaylock, Boylan, Christiaens, Crippen, Daniels, Eck, Fuller, Goodover, Haffey, Halligan, Himsl, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Regan, Stimatz, Towe, Van Valkenburg.
Total 23

Excused: Norman, Thomas.
Total 2

Absent or not voting: Hager.
Total 1

SB 163 - That SB 163 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Norman, Thomas.
Total 2

Absent or not voting: None.
Total 0

SB 169 - That SB 169 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Norman, Thomas.
Total 2

Absent or not voting: None.
Total 0

SB 226 - That SB 226 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Norman, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 82 - That HB 82 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Crippen, Keating, Regan.
Total 3

Excused: Norman, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 164 - That consideration on HB 164 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Fuller.
Total 1

Excused: Norman, Thomas.
Total 2

Absent or not voting: None.
Total 0

SB 110 - That SB 110 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson,

Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Norman, Thomas.
Total 2

Absent or not voting: None.
Total 0

SB 121 - That SB 121 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Lane, Lynch, R. Manning, Marbut, Mazurek, Mohar, Regan, Stimatz, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 35

Noes: Dover, Goodover, Hammond, Keating, Kolstad, Lee, McCallum, Ochsner, Severson, Shaw, Smith, Story.
Total 12

Excused: Norman, Thomas.
Total 2

Absent or not voting: D. Manning.
Total 1

SB 174 - That SB 174 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Smith, Stimatz, Towe, Tveit, Mr. President.
Total 39

Noes: Boylan, Galt, Hazelbaker, Shaw, Turnage.
Total 5

Excused: Norman, Thomas.
Total 2

Absent or not voting: Lee, D. Manning, Story, Van Valkenburg.
Total 4

HB 63 - That HB 63, third reading copy, be amended as follows:

1. Page 2, line 7.
Following: "using"
Strike: ":"

2. Page 2, line 8.
Strike: "(a)"

3. Page 2, line 10.
Following: "cycle"
Strike: ":"
Insert: "."

4. Page 2, line 11.

Strike: subsections (b) and (c) in their entirety

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Gage, Galt, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Kolstad, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Regan, Severson, Shaw, Stimatz, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 34

Noes: Christiaens, Etchart, Fuller, Goodover, Hammond, Keating, Lane, Lee, Ochsner, Smith, Story.
Total 11

Excused: Norman, Thomas.
Total 2

Absent or not voting: Graham, Hager, D. Manning.
Total 3

That HB 63, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Mr. President.
Total 42

Noes: Boylan, Hammond, Keating.
Total 3

Excused: Norman, Thomas.
Total 2

Absent or not voting: D. Manning, McCallum, Van Valkenburg.
Total 3

SB 133 - That SB 133, second reading copy, be amended as follows:

1. Title, line 6.
Following: "PUNISHED"
Strike: "AS MISDEMEANORS AS ELSEWHERE PROVIDED BY LAW"
Insert: "BY A FINE NOT TO EXCEED $500"

2. Page 1, line 22.
Following: "~~offense~~"
Strike: "as provided by 46-18-212"
Insert: "by a fine not to exceed $500."

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Lynch.
Total 1

Excused: Norman, Thomas.
Total 2

Absent or not voting: None.
Total 0

That SB 133, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Norman, Thomas.
Total 2

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman R. Manning moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 11 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Norman, Thomas.
Total 2

Absent or not voting: None.
Total 0

SB 158 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker,

Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Norman, Thomas.
Total 2

Absent or not voting: None.
Total 0

SB 161 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Norman, Thomas.
Total 2

Absent or not voting: None.
Total 0

SB 178 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Norman, Thomas.
Total 2

Absent or not voting: None.
Total 0

SB 216 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 48

Noes: None.
Total 0

Excused: Norman, Thomas.
Total 2

Absent or not voting: None.
Total 0

SB 217 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Norman, Thomas.
Total 2

Absent or not voting: None.
Total 0

SB 239 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Norman, Thomas.
Total 2

Absent or not voting: None.
Total 0

SB 245 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Norman, Thomas.
Total 2

Absent or not voting: None.
Total 0

SB 260 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Norman, Thomas.
Total 2

Absent or not voting: None.
Total 0

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Turnage moved that HB 164 be taken from second reading and that it be referred to the Committee on Local Government. Motion carried unanimously.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 4:44 p.m., until Wednesday, February 2, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TWENTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
February 2, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the twenty-sixth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 28, SB 62, SB 72, SB 103, SB 180, SB 181, SB 193, SB 235, SB 240, SB 276, SB 277, SB 278, SB 279, SB 280.
Correctly engrossed: SB 110, SB 121, SB 133, SB 143, SB 163, SB 169, SB 174, SB 226.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
HB 98, be concurred in. Report adopted.

JUDICIARY (Turnage, Chairman):
SB 201, do pass. Report adopted.
SB 218, do pass. Report adopted.
SB 220, do pass. Report adopted.
SB 225, do pass. Report adopted.
SB 236, introduced bill, be amended as follows:

1. Title, line 6.
Following: "LAWS;"
Insert: "TO CREATE A REBUTTABLE PRESUMPTION OF FORFEITURE; TO PROVIDE THE MEANS BY WHICH THE PRESUMPTION MUST BE REBUTTED;"

2. Title, line 8.
Following: "44-12-102,"
Insert: "44-12-203 THROUGH"

3. Title, line 9.
Strike: "44-12-205,"

4. Page 3.
Following: line 16
Insert: "Section 2. Section 44-12-203, MCA, is amended to read:

"44-12-203. ~~Procedure~~ Presumption — procedure following answer or expiration of time for answering. (1) There is a rebuttable presumption of forfeiture as to all property listed in 44-12-102.

~~(1)~~(2) If a verified answer to the notice is not filed within 20 days after the mailing or publication of the notice, the court ~~shall hear evidence on the charge of unlawful use of the property and~~ upon motion ~~may~~ must order the property forfeited to the state.

~~(2)~~(3) If a verified answer is filed within 20 days, the forfeiture proceedings shall be set for hearing without a jury not less than 30

days after the answer is filed. Notice of the hearing shall be given in the manner provided for service of notice of seizure."

Section 3. Section 44-12-204, MCA, is amended to read:

"44-12-204. Proof required or permitted at hearing. ~~(1) At the hearing any owner or claimant who has a verified answer on file may show by competent evidence that the property was not used for the purpose charged.~~ In order to rebut the presumption of forfeiture:

(1) an owner of property who has a verified answer on file must prove that the property was not used for the purpose charged;

(2) an owner of property listed in 44-12-102(g) who has a verified answer on file may prove in the alternative that the use of the property occurred without his knowledge or consent;

~~(2)~~(3) ~~A~~ a claimant of a security interest in the property who has a verified answer on file ~~may~~ must prove that his security interest is bona fide and that it was created after a reasonable investigation of the moral responsibility, character, and reputation of the purchaser and without knowledge that the property was being or was to be used for the purpose charged. However, no person who has a lien dependent upon possession for compensation to which he is legally entitled for making repairs or performing labor upon, furnishing supplies or materials for, or providing storage, repair, or safekeeping of any property and no person doing business under any law of this state or the United States relating to financial institutions, as defined in 32-6-103, loan companies, or licensed pawnbrokers or regularly engaged in the business of selling the property or of purchasing conditional sales contracts for the property may be required to prove that his security interest was created after a reasonable investigation of the moral responsibility, character, and reputation of the owner, purchaser, or person in possession of the property when it was brought to such person.""

Renumber: subsequent sections

5. Page 3, line 20.
Following: "charged,"
Insert: "and that the property listed in 44-12-102(1)(g) was used without the knowledge or consent of the owner,"

6. Page 3, line 23.
Following: "charged,"
Insert: "and that the property listed in 44-12-102(1)(g) was used with the knowledge or consent of the owner,"

7. Page 4, lines 14 through 23.
Strike: subsection (b) in its entirety
Renumber: subsequent subsections

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Story, Chairman):

SB 137, introduced bill, be amended as follows:

1. Page 1, line 25.
Following: "governor"
Insert: ", suggestions from legislators and legislative committees, staff recommendations,"

2. Page 2, line 6.

Following: "bill"
Insert: "and requiring a performance audit of each agency and program under the provisions of Title 2, chapter 8, within the time specified and prior to termination"

And, as amended, do pass. Report adopted.

SB 148, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 148

A statement of intent is required for Senate Bill 148 because it grants the Board of Oil and Gas Conservation authority to fix an assessment against each barrel of crude petroleum originally produced.

The Legislature intends that the amount assessed be sufficient to provide funds to defray the expenses of enforcing the oil and gas laws and the operations of the board. The assessment shall not be so high as to generate revenue in excess of expenses.

SB 268, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 186, introduced bill, be amended as follows:

1. Page 2, line 13.
Following: "credit of the"
Strike: "trust"
Insert: "local impact"

2. Page 2, line 14.
Strike: line 14
Insert: "90-6-202."

3. Page 4, line 10.
Strike: "directly or indirectly"

4. Page 4, line 13.
Following: "exceed"
Strike: "40"
Insert: "20"

5. Page 4, line 15.
Following: "sell,"
Strike: "reassign"
Insert: "assign"

And, as amended, do pass. Report adopted.

HB 91, third reading copy, be amended as follows:

1. Page 2, line 7.
Strike: "640"

2. Page 2, line 8.
Following: line 7
Strike: "acres"
Insert: "one section"

And, as amended, be concurred in. Report adopted.

HB 116, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):

HB 32, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Dover, Eck, Elliott, Keating, Lynch, Stimatz.
Total 6

Excused: None.
Total 0

Absent or not voting: Severson, Story.
Total 2

LABOR AND EMPLOYMENT RELATIONS (Aklestad, Chairman):

SB 198, as amended, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 45

Noes: Aklestad, Elliott, Lee, Tveit.
Total 4

Excused: None.
Total 0

Absent or not voting: Etchart.
Total 1

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 2/1/83

HB 7, introduced by Harp, et al.

HB 265, introduced by McBride, Blaylock

HB 272, introduced by Nilson

HB 273, introduced by Peck

HB 276, introduced by Hansen

HB 279, introduced by Hammond, et al.

HB 287, introduced by Harper

HB 293, introduced by Dozier

HB 303, introduced by Mueller

HB 323, introduced by Veleber, J. Jensen

HB 331, introduced by Pistoria

HB 420, introduced by Dozier

HB 234, introduced by Yardley

HB 95, introduced by Donaldson

MOTIONS

Senator Towe moved that the Senate reconsider its action in accepting the adverse committee report on SB 249 and that it be printed and placed on second reading. Motion carried as follows:

Ayes: Aklestad, Berg, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Boylan, Shaw.
Total 2

Excused: None.
Total 0

Absent or not voting: Blaylock.
Total 1

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 338, introduced by Graham, Halligan, Boylan, McCallum, Ochsner, E. Smith, Etchart, Hazelbaker. Referred to Committee on State Administration.
SB 339, introduced by Graham, Boylan, McCallum, Ochsner, E. Smith, Etchart, Hazelbaker. Referred to Committee on State Administration.
SB 340, introduced by Galt, Lee, Holliday. Referred to Committee on Natural Resources.
SB 341, introduced by Eck, Donaldson, Metcalf. Referred to Committee on Finance and Claims.

The following House bills were introduced, read first time, and referred to committees:

HB 7, introduced by Harp, Stimatz, Waldron, Tveit, Connelly, Curtiss, (By Request of the Joint Subcommittee on Highways). Referred to Committee on Highways and Transportation.
HB 95, introduced by Donaldson, (By Request of the Governor's Office). Referred to Committee on Finance and Claims.
HB 234, introduced by Yardley. Referred to Committee on Judiciary.
HB 265, introduced by McBride, Blaylock, (By Request of the Legislative Audit Committee). Referred to Committee on Judiciary.
HB 272, introduced by Nilson, (By Request of the Department of Institutions). Referred to Committee on Judiciary.
HB 273, introduced by Peck. Referred to Committee on Education and Cultural Resources.
HB 276, introduced by Hansen. Referred to Committee on Local Government.

HB 279, introduced by J. Hammond, Waldron, Lane, (By Request of the Department of Institutions). Referred to Committee on Public Health, Welfare and Safety.

HB 287, introduced by Harper, (By Request of the Department of State Lands). Referred to Committee on Natural Resources.

HB 293, introduced by Dozier. Referred to Committee on Local Government.

HB 303, introduced by Mueller, (By Request of the Public Employees' Retirement Board). Referred to Committee on State Administration.

HB 323, introduced by Veleber, J. Jensen. Referred to Committee on Judiciary.

HB 331, introduced by Pistoria. Referred to Committee on Judiciary.

HB 420, introduced by Dozier, (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Public Health, Welfare and Safety.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator McCallum in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 118 - That SB 118, second reading copy, be amended by adding the following statement of intent:

STATEMENT OF INTENT
SB 118

A statement of intent is required for this bill because section 2 delegates authority to the Commissioner of State Lands to adopt rules governing the procedure for holding public hearings concerning the sale, exchange, or transfer of certain federal land. It is the intent of the Legislature that the content of notice to interested parties be similar to that required under 2-4-601 for contested cases and be published in at least one newspaper generally distributed in the area of the proposed disposition of federal land. Other procedural requirements should be kept as simple as possible in order to provide the maximum opportunity for public response to the proposed federal action.

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That SB 118, as amended, do pass. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Lane, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Smith, Stimatz, Thomas, Towe, Turnage.
Total 33

Noes: Aklestad, Dover, Elliott, Etchart, Gage, Galt, Hammond, Kolstad, Lee, Ochsner, Shaw, Tveit, Mr. President.
Total 13

Excused: None.
Total 0

Absent or not voting: Lynch, D. Manning, Story, Van Valkenburg.
Total 4

SB 141 - That SB 141 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 189 - That SB 189 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Etchart in the Chair.

SB 230 - That SB 230 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator McCallum in the Chair.

SB 258 - That SB 258, second reading copy, be amended as follows:

1. Page 1, line 21.
Following: "~~$100~~"
Insert: "more than"
Following: "$50"
Strike: "or more"

Amendment passed as follows:

Ayes: Aklestad, Boylan, Brown, Conover, Crippen, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, D. Manning, Marbut, Mazurek, McCallum, Ochsner, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 33

Noes: Berg, Blaylock, Christiaens, Daniels, Dover, Eck, Haffey, Halligan, Jacobson, Lynch, R. Manning, Mohar, Regan, Stimatz, Towe, Van Valkenburg.
Total 16

Excused: None.
Total 0

Absent or not voting: Norman.
Total 1

That SB 258, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Boylan, Brown, Conover, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, D. Manning, Marbut, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 33

Noes: Berg, Blaylock, Christiaens, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lynch, R. Manning, Mazurek, Mohar, Regan, Stimatz, Towe, Van Valkenburg.
Total 17

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SJR 9 - That SJR 9 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman McCallum moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 69 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Boylan, Elliott.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 95 passed as follows:

Ayes: Aklestad, Brown, Daniels, Dover, Elliott, Gage, Galt, Graham, Haffey, Halligan, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 32

Noes: Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Eck, Etchart, Fuller, Goodover, Hager, Hammond, Himsl, R. Manning, Mazurek, Regan, Thomas, Towe.

Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 114 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Mr. President.
Total 1

SB 146 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly enrolled: SB 13.
Examined by the sponsor (Mazurek) and found to be correct: SB 13.
Signed by the President at 3:30 p.m., 2/2/83: SB 13.

STATE ADMINISTRATION (Story, Chairman):
SR 4, introduced bill, be amended as follows:

1. Page 1.
Following: line 11
Strike: lines 12 through 19 in their entirety

2. Page 1, line 24.
Strike: "."
Insert: "; and"

3. Page 1.
Following: line 24
Insert: attached preamble, A(1) through (3)

4. Page 2, line 3.
Strike: lines 3 through 13 in their entirety
Insert: attached resolutions, A(4)

And, as amended, be adopted. Report adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 3:55 p.m., until Thursday, February 3, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TWENTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
February 3, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the twenty-seventh legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 137, SB 148, SB 186, SB 201, SB 218, SB 220, SB 225, SB 236, SB 249, SB 268, SR 4.
Correctly engrossed: SB 118, SB 141, SB 189, SB 230, SB 258, SJR 9.
Signed by the President at 10:30 a.m., 2/3/83: HB 40, HB 65, HB 66, HB 81, HB 87.
Delivered to the Governor for his approval at 9:30 a.m., 2/3/83: SB 13.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
SB 184, introduced bill, be amended as follows:

1. Page 22, line 25.
Following: "exemption"
Insert: "under 30-10-105(16), the fee shall be established by the commissioner by rule. For a request for any other exemption"

And, as amended, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 184

A Statement of Intent is required for this bill because it grants the Securities Commissioner the authority to adopt rules exempting certain securities transactions from registration and to establish fees for granting such exemption. There is to be no exemption from the antifraud provisions of the Securities Act.

(1) The Legislature intends that the exemption rules:

(a) provide limited relief from the registration provisions of the Act for small and existing businesses that are attempting to raise a limited amount of funds; and

(b) provide an exemption from the registration provisions of the Securities Act for transactions in securities when the securities involved are adequately regulated by other bodies.

(2) The Legislature intends that the fee rules would establish a fee schedule to match the cost and complexity of the exemption. The Legislature does not intend that the state either lose or gain any revenue because of any exemption under 30-10-105(16).

SB 285, introduced bill, be amended as follows:

1. Page 2, line 14.
Strike: "September"

Insert: "June"

2. Page 2, line 15.
Following: "(1)"
Insert: ", except that the provisions relating to eligibility for medicare in subsections (1)(a) and (1)(b) may not be included,"

And, as amended, do pass. Report adopted.

HB 132, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
SB 212, do pass. Report adopted.
SB 287, do pass. Report adopted.
SB 318, do pass. Report adopted.
HB 236, be concurred in. Report adopted.

JUDICIARY (Turnage, Chairman):
SB 194, introduced bill, be amended as follows:

1. Title, lines 7 through 11.
Following: "COURT;"
Strike: remainder of line 7 through "FUND;" on line 11

2. Title, line 15.
Following: "25-7-209,"
Insert: "AND"
Strike: "AND 82-1-304,"

3. Page 2, line 21.
Strike: "district court"
Insert: "general"

4. Page 3, line 12.
Strike: "district court"
Insert: "general"

5. Page 4, line 8.
Strike: "district court"
Insert: "general"

6. Page 4, line 11.
Following: "commissioner"
Insert: "with the approval of the court"

7. Page 4, line 19.
Following: "commissioner"
Insert: "with the approval of the court"

8. Page 5, line 5.
Following: "commissioner"
Insert: "with the approval of the court"

9. Page 13, line 23.
Strike: section 20 in its entirety

And, as amended, do pass. Report adopted.

SB 196, introduced bill, be amended as follows:

1. Title, line 5.
Strike: "AND FOR AN ANNUAL COST OF LIVING INCREASE"

2. Page 1, line 16.
Strike: "$18,000"

Insert: "$16,000"

3. Page 1, line 19 through page 2, line 6.
Following: "works." on line 19
Strike: line 19 through "years." on page 2, line 6

4. Page 4, line 5.
Strike: "For the purpose of perfecting an appeal"

5. Page 4, lines 9 through 11.
Strike: "or at the maximum" on line 9 through "greater" on line 11

And, as amended, do pass. Report adopted.

SB 321, do pass. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
SB 162, do pass. Report adopted.
HB 72, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SB 209, introduced bill, be amended as follows:

1. Page 2.
Following: line 6
Insert: "Unless a medical or psychiatric emergency exists, 15 days prior to the transfer the department shall notify the patient's parent, guardian, or spouse or, if none is known, his nearest relative or friends. In the case of an emergency transfer, the department shall send notice within 72 hours after the time of transfer."

And, as amended, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 209

The Department of Institutions is requesting legislation that would clarify the role of the Montana Center for the Aged in Lewistown and provide for an admission procedure.

The Department of Institutions is requesting legislative authority under rulemaking provisions that it be given clear rulemaking authority for the admission criteria of persons who are unable to maintain themselves in the community due to the aging process.

Criteria that would be considered under the rulemaking authority include:

(a) consideration of persons's age,

(b) consideration of person's mental and physical status, specifically as it relates to mild psychiatric impairments, senility, and other organic symptoms,

(c) consideration of ability of Center for the Aged to meet with person's needs,

(d) consideration of person's sex as relates to availability of appropriate living space,

(e) consideration of person's ability to ambulate without special devices or physical assistance,

(f) voluntary admissions.

Specifically this rulemaking authority should give the Department the ability to adopt rules indicating the type of medical and mental illnesses involved, the evaluation and diagnosis process of mental health professionals and physicians.

Standards for determining the programs that will be provided for residents at the Center for the Aged.

Specific criteria relative to transfers necessary to other facilities and, discharge criteria, if any, from the institution, if needed. It is the intention that these rules make it very clear that acute psychiatric problems are not to be used for admission to the Center for the Aged.

TAXATION (Goodover, Chairman):

SB 185, introduced bill, be amended as follows:

1. Page 1, line 13.
Following: "~~20,000~~"
Strike: "100,000"
Insert: "50,000"

2. Page 2, line 14.
Following: "~~20,000~~"
Strike: "100,000"
Insert: "50,000"

3. Page 2, line 15.
Following: "than"
Strike: "100,000"
Insert: "50,000"

4. Page 2, line 18.
Following: line 17
Insert: "NEW SECTION. Section 3. Nonseverability. It is the intent of the legislature that each part of this act is essentially dependent upon every other part and if one part is held unconstitutional or invalid, all other parts are invalid, and the prior law as reflected in sections 15-6-208 and 15-35-103 prior to the passage of this act shall remain in full force and effect."
Renumber: subsequent section

And, as amended, do pass. Report adopted.

HB 56, be concurred in. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):

SB 77, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Crippen, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lane, Lee, D. Manning, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 34

Noes: Berg, Christiaens, Conover, Fuller, Haffey, Halligan, Himsl, Jacobson, Lynch, R. Manning, Mazurek, Norman, Stimatz, Van Valkenburg.
Total 14

Excused: None.
Total 0

Absent or not voting: Daniels, Marbut.
Total 2

SB 176, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, Mazurek, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Elliott, Halligan, R. Manning, Marbut, Mohar, Regan, Stimatz.
Total 7

Excused: None.
Total 0

Absent or not voting: Brown, D. Manning.
Total 2

SB 219, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 43

Noes: Berg, Eck, Norman, Regan, Stimatz, Van Valkenburg.
Total 6

Excused: None.
Total 0

Absent or not voting: D. Manning.
Total 1

SB 222, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 47

Noes: Mohar, Norman, Van Valkenburg.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 234, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Mazurek, McCallum, Norman, Ochsner,

Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Mr. President.
Total 41

Noes: Blaylock, Eck, Halligan, R. Manning, Marbut, Mohar, Regan, Towe, Van Valkenburg.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 255, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Regan.
Total 1

Excused: None.
Total 0

Absent or not voting: Etchart, Hammond, Shaw.
Total 3

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate bill concurred in and returned to the Senate: 2/2/83

SB 102, introduced by Ochsner, et al.

House bills passed and transmitted to the Senate for concurrence: 2/2/83

HB 207, introduced by Waldron

HB 213, introduced by Dozier

HB 222, introduced by Peck

HB 259, introduced by Ramirez, et al.

HB 296, introduced by Harper, et al.

HB 324, introduced by Veleber

HB 343, introduced by Spaeth

HB 363, introduced by Roush

HB 364, introduced by Roush

HB 369, introduced by Sands

HB 408, introduced by Driscoll, et al.

HB 421, introduced by Thoft

HJR 2, introduced by Winslow, et al.

HJR 6, introduced by Kitselman, et al.

HB 151, introduced by Peck, et al., requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and is transmitted to the Senate for concurrence, with the following vote: 2/2/83

House of Representatives

Yeas - 99
Nays - 0

MOTIONS

President Pro Tempore Kolstad in the Chair.

Senator Stephens moved that the temporary joint rules be temporarily suspended in order to permit introduction of a bill. Senator Stephens withdrew the motion.

Senator Tveit moved that the Senate reconsider its action in accepting the adverse committee report on SB 198. Motion failed as follows:

Ayes: Aklestad, Boylan, Elliott, Etchart, Galt, Graham, Hammond, Himsl, Lee, McCallum, Ochsner, Severson, Shaw, Smith, Story, Tveit, Mr. President.
Total 17

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Fuller, Gage, Goodover, Haffey, Hager, Halligan, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 31

Excused: None.
Total 0

Absent or not voting: Hazelbaker, Turnage.
Total 2

Senator Himsl moved that SB 341 be taken from the Committee on Finance and Claims and that it be referred to the Committee on State Administration. Motion carried unanimously.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 342, introduced by Gage, Tveit, Roush. Referred to Committee on Taxation.
SB 343, introduced by Goodover, Fabrega. Referred to Committee on Taxation.
SB 344, introduced by Lynch, Harrington, Jacobson, Stimatz, Blaylock, Regan, Hazelbaker, (By Request of the Department of Fish, Wildlife, and Parks). Referred to Committee on Fish and Game.
SB 345, introduced by Stephens. Referred to Committee on State Administration.
SB 346, introduced by McCallum. Referred to Committee on State Administration.
SB 347, introduced by Galt, H. Hammond, Story, Marbut, Curtiss, Graham, Kolstad, Shaw, Hanson, Mazurek, Ellison, Conover, Ochsner, Asay, Lee, Bliss, Holliday, Keating, Lybeck, Severson, McCallum,

Swift, Dover, Hager, Ryan, Hand, Wallin, Tveit, Ellerd. Referred to Committee on Judiciary.

SB 348, introduced by Galt, H. Hammond, Graham, Boylan, Kolstad, Marbut, Asay, Shaw, Ochsner, Lee, Hanson, Conover, Ellison, Bliss, Holliday, Dover, Swift, McCallum, Hager, Curtiss, Keating, Lybeck, Ryan, Severson, Hand, Wallin, Tveit, Ellerd. Referred to Committee on Judiciary.

SB 349, introduced by Dover, Galt, Kolstad, Harrington, Jacobson, Williams, O'Connell, Menahan, Harp, Eck, Iverson, Haffey, Quilici, Asay, Driscoll, Lynch, D. Brown, Yardley, Manuel, Towe, Fuller, Stephens, Mueller, Hand, Marks, Blaylock. Referred to Committee on Public Health, Welfare and Safety.

SB 350, introduced by Tveit, Thomas, Graham, E. Smith, R. Manning, Lane, Abrams, Devlin, Switzer, Zabrocki, Bardanouve, (By Request of the Board of Oil and Gas Conservation). Referred to Committee on Natural Resources.

SB 351, introduced by Halligan, Graham, (By Request of the Department of Justice). Referred to Committee on Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 151, introduced by Peck, Berg, Bardanouve, Sands, Bachini, Christiaens, Ernst, Stephens, (By Request of the Montana Districting and Apportionment Commission). Referred to Committee on State Administration.

HB 207, introduced by Waldron, (By Request of the Legislative Audit Committee). Referred to Committee on Natural Resources.

HB 213, introduced by Dozier. Referred to Committee on Business and Industry.

HB 222, introduced by Peck, (By Request of the Montana Districting and Apportionment Commission). Referred to Committee on State Administration.

HB 259, introduced by Ramirez, Vincent, (By Request of the Legislative Council). Referred to Committee on State Administration.

HB 296, introduced by Harper, Stobie. Referred to Committee on State Administration.

HB 324, introduced by Veleber, (By Request of the Department of Natural Resources and Conservation). Referred to Committee on Natural Resources.

HB 343, introduced by Spaeth. Referred to Committee on Local Government.

HB 363, introduced by Roush, (By Request of the Department of Commerce). Referred to Committee on Business and Industry.

HB 364, introduced by Roush, (By Request of the Department of Commerce). Referred to Committee on Business and Industry.

HB 369, introduced by Sands, (By Request of the Task Force on Corrections). Referred to Committee on Judiciary.

HB 408, introduced by Driscoll, Brand, Bachini, Zabrocki, Lynch, Hart, Menahan, Pavlovich, Harrington, Daily. Referred to Committee on Highways and Transportation.

HB 421, introduced by Thoft. Referred to Committee on Local Government.

HJR 2, introduced by Winslow, Roush, Elliott. Referred to Committee on Natural Resources.

HJR 6, introduced by Kitselman, Quilici, (By Request of the Joint Subcommittee on Business). Referred to Committee on Education and Cultural Resources.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Stimatz in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 28 - That SB 28, second reading copy, be amended as follows:

1. Title, line 4.
Strike: "REPEALING"
Insert: "AMENDING"

2. Page 1.
Following: line 8
Strike: lines 9 and 10 in their entirety
Insert: "Section 1. Section 87-1-204, MCA is amended to read:

"87-1-204. Political activity of employees. (1) While retaining the right to vote as he may please and to express his opinions on all political questions, no employee of the ~~department~~ state may use his official authority or influence for the purpose of interfering with an election or affecting the results thereof or for the purpose of coercing ~~or influencing~~ the political actions of any person or body.

(2) This section does not prevent an employee from appearing and testifying before any component of state or local government exercising legislative or rulemaking authority when invited by the presiding officer or any member of that governmental component.""

Amendment passed as follows:

Ayes: Aklestad, Boylan, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 25

Noes: Berg, Blaylock, Christiaens, Conover, Crippen, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Thomas, Towe, Van Valkenburg.
Total 21

Excused: None.
Total 0

Absent or not voting: Brown, Daniels, Hager, Stimatz.
Total 4

That consideration on SB 28, as amended, be passed. Motion failed as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 23

Noes: Aklestad, Boylan, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 27

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That SB 28, without objection, be moved to the bottom of the board.

SB 62 - That SB 62 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 44

Noes: Eck, Halligan, Mohar, Norman, Regan, Van Valkenburg.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 72 - That SB 72, second reading copy, be amended as follows:

1. Title, line 7.
Following: "TRUST TAX"
Strike: "FROM A YEARLY TAX TO A QUARTERLY TAX"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That SB 72, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl,

Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Gage, Mohar.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 103 - That SB 103 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Gage, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Fuller, Goodover.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 180 - That SB 180 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 181 - That SB 181 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 193 - That SB 193 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 235 - That SB 235, second reading copy, be amended as follows:

1. Page 4, line 18.
Strike: "BUDGET"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That SB 235, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 240 - That SB 240 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 276 - That SB 276 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 277 - That SB 277 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 278 - That SB 278 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 279 - That SB 279 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 280 - That consideration on SB 280 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President Pro Tempore in the Chair. Chairman Stimatz moved the adoption of the committee report. Report adopted.

President Stephens resumed the Chair.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Story moved that SB 28 be taken from second reading and that it be referred to the Committee on State Administration.

Senator Jacobson made a substitute motion that SB 28 be taken from second reading and that it be referred to the Committee on Fish and Game. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Smith.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 110 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 121 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Hammond, Shaw.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 133 passed as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Regan, Stimatz, Story, Thomas, Turnage, Van Valkenburg, Mr. President.
Total 37

Noes: Aklestad, Boylan, Etchart, Goodover, Hammond, Himsl, Mohar, Ochsner, Severson, Shaw, Smith, Towe, Tveit.
Total 13

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 143 passed as follows:

Ayes: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 26

Noes: Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Halligan, Himsl, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 163 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker,

Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 169 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Shaw.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 174 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Boylan, Dover, Galt, Hammond, Kolstad, Mohar, Shaw, Turnage.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 226 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 63 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Boylan, Daniels, Shaw.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 82 concurred in as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Blaylock, Crippen, Goodover, Keating, Mohar.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Signed by the President at 4:00 p.m., 2/3/83: HB 45.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 4:45 p.m., until Friday, February 4, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

TWENTY-NINTH LEGISLATIVE DAY

Helena, Montana
February 4, 1983

Senate Chambers
State Capitol

Senate convened at 3:01 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Senator Hazelbaker moved that the Senate stand in recess subject to the call of the Chair for the purpose of party caucuses. Motion carried unanimously.

Senate recessed at 3:03 p.m.

Senate resumed at 4:01 p.m.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the twenty-eighth legislative day, find the same to be correct.

Tveit, Chairman

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Kolstad in the Chair.

Senator Hazelbaker moved that the Senate stand at ease for the purpose of a Rules Committee meeting on the question of whether SR 4 was properly placed on second reading for this day. Motion carried.

Senate stood at ease at 4:03 p.m.

Senate resumed at 4:27 p.m.

Senator Hazelbaker announced that a motion was made and approved by 4-3 in the Rules Committee meeting that SR 4 was properly before the Senate for consideration on second reading. The Chair ruled to sustain the position of the majority of the Rules Committee. Senator Towe challenged the ruling of the Chair as follows:

The chair has ruled pursuant to the Rules Committee decision that SR 4 is properly before us today. Under Article V, section 14, subsection 3 of the Montana Constitution the proper procedure for responding to the Reapportionment Commission is for the Legislature to respond. Under Rule 6-2a (page 23 of the rules book) our present rules provide for the legislature to express its desire by a joint resolution. This is not a joint resolution. A simple resolution (page 22 of the rules book) is limited to changing rules of the Senate and matters affecting "internal affairs" of the Senate only. This resolution clearly addresses more than the internal rules of the Senate and therefore cannot be properly before us without a suspension of the rules to authorize a simple resolution for this purpose.

The following responses were made to Senator Towe's challenge:

SENATOR TURNAGE: Mr. Chairman, of course Senator Towe is wrong. He is not only wrong because we have votes to prove it, not only wrong because of that reason, but the simple resolution is as he pointed out the rule says, to transact the internal affairs of the Senate. Well, our

response to and recommendations to the Reapportionment Commission is surely an internal affair affecting the Senate. Now there can't be anything that may be more sensitive to the internal matters of the Senate than reapportionment, so I think the simple resolution is appropriate. Now let us just perceive what would happen if the suggestion of Senator Towe had carried. Their suggestion is a joint resolution, but you know what would happen to the Senate's recommendations if this were denominated as Joint Resolution 4, a joint resolution. What would happen to that in the House would be of course it would be amended and it would be amended until it adds the existing reapportionment plan without any recommendations expressed by the Senate. Therefore the Legislature would have made from the Senate side no recommendation whatsoever to the Reapportionment Commission. Now the Constitution does not require that a joint resolution be made or that a majority of both houses of the Legislature express a recommendation. It does say that the Legislature shall make this recommendation not later than February 4, and that is going to expire in about seven hours. So if we do not proceed with SR 4 there will effectively be no recommendation expressed to the Commission from the Montana Senate, and for that reason the Republicans at least would be denied their constitutional rights.

SENATOR STEPHENS: Mr. Chairman, I would simply add to the remarks of Senator Turnage, in that both Houses of this Legislature are going to respond to this plan. The Senate is going to respond as we are discussing today and the House will respond by simple resolution also. I would also remind the members you may not recall, but this is exactly the procedure that was used a decade ago with the reapportionment plan that is effective now, was ratified by the Legislature. So I think that the resolution is in order. I think Senator Turnage has pointed out some very compelling reasons as to why we should act expeditiously tonight to comply with the Constitutional mandate that we respond to the Commission in a timely manner. And I would urge that the desires of Senator Towe be denied in this case and we proceed to present this on second reading and everyone be afforded an opportunity to comment and get their input today in this important matter.

The ruling of the Chair was sustained as follows:

Ayes: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 26

Noes: Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 4 - That SR 4, second reading copy, be amended as follows:

1. Page 2, line 23.

Strike: line 23 through page 4, line 4

2. Page 5, line 24.
Strike: line 24 through page 7, line 13

Amendment failed as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 24

Noes: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Graham excused at 5:16 p.m.

That SR 4, second reading copy, be amended as follows:

1. Page 2, line 23.
Following: "not"
Insert: "perfectly"
Following: "encompass"
Strike: "a"
Insert: "the"
Following: "rational"
Strike: "state"

2. Page 2, line 24.
Strike: "policy"
Insert: "criteria adopted by the Commission but it meets the criteria more closely than do other plans submitted"

Amendment failed as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 23

Noes: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 26

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That SR 4, second reading copy, be amended as follows:

1. Page 2, line 24.
Following: "policy"
Insert: ", nor does the Republican alternative presented herein"

2. Same amendment after each following whereas clause through page 3, line 14.

Amendment failed as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 23

Noes: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 26

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That SR 4, second reading copy, be amended as follows:

Page 2 (Recommendations)
#5 Senate Districts 17 through 19, as adopted by the Commission, be withdrawn and the following House Districts be paired to form Senate Districts:

33 and 34
35 and 36
37 and 38

Amendment withdrawn.

That SR 4, be adopted. Motion carried as follows:

Ayes: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 26

Noes: Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 23

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Kolstad moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 118 passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Gage, Goodover, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 36

Noes: Aklestad, Dover, Elliott, Etchart, Galt, Hammond, Keating, Kolstad, Ochsner, Shaw, Smith, Tveit, Mr. President.
Total 13

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

SB 141 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

SB 189 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

SB 230 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

SB 258 passed as follows:

Ayes: Aklestad, Boylan, Brown, Conover, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, D. Manning, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 30

Noes: Berg, Blaylock, Christiaens, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 19

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

SJR 9 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):

Correctly printed and placed on the members' desks: SB 162, SB 184, SB 185, SB 194, SB 196, SB 209, SB 212, SB 285, SB 318, SB 321.
Correctly engrossed: SB 62, SB 72, SB 103, SB 180, SB 181, SB 193, SB 235, SB 240, SB 276, SB 277, SB 278, SB 279.

JUDICIARY (Turnage, Chairman):

SB 23, introduced bill, be amended as follows:

1. Page 1, line 15.
Following: "thereon"
Strike: "~~before the water judge~~"
Insert: "before the water court"

And, as amended, do pass. Report adopted.

SB 37, introduced bill, be amended as follows:

1. Title, line 8.
Following: "BY"
Insert: "THE WATER JUDGE OF"

2. Title, line 9.
Following: "DIVISION;"
Insert: "PROVIDING FOR THE LOCATION OF HEARINGS UPON JUDICIAL REVIEW;"

3. Page 3, line 9.
Following: "review."
Insert: "(1)"

4. Page 3, line 12.
Strike: "(1)"
Insert: "(a)"

5. Page 3, line 15.
Strike: "(2)"
Insert: "(b)"

6. Page 3, line 17.
Following: "by the"
Insert: "water judge of the"

7. Page 3.
Following: line 18
Insert: "(2) Any hearing held upon judicial review pursuant to this section shall be held in the county of the place of beneficial use of the water applied for."

And, as amended, do pass. Report adopted.

SB 41, introduced bill, be amended as follows:

1. Title, lines 4 through 8.
Following: "AN ACT"
Strike: remainder of line 4 and the rest of the title in its entirety
Insert: "REQUIRING THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO COMPILE REPORTS OF ALL CERTIFICATES OF WATER RIGHTS ISSUED BY THE DEPARTMENT; REQUIRING THAT COPIES OF FINAL WATER RIGHTS DECREES AND COPIES OF THE REPORTS BE SENT TO THE COUNTY CLERK AND RECORDER OF ALL COUNTIES; AMENDING SECTION 85-2-236, MCA."

2. Page 1, line 11.

Strike: section 1 in its entirety
Renumber: subsequent sections

3. Page 2, lines 10 and 11.
Following: "existing right."
Strike: remainder of line 10 through "certificate." on line 11

4. Page 2, lines 13 and 14.
Following: "decreed."
Strike: remainder of line 13 through "decree to the" on line 14
Insert: "The department shall compile quarterly and annual reports showing all certificates of water rights issued by the department during the time covered by the report. The reports must show the total number of certificates issued for each water division, the date of the certificate, the name and address of the person to whom the certificate is issued, the amount of water to be appropriated, the purpose of the appropriation, and such other facts or matters as the department feels are appropriate. The department shall send a copy of each final decree and copies of the reports to the clerk and recorder of each county in the state. The clerk shall deposit the decree and reports in a storage vault and make them available for public inspection during the regular office hours. The"

And, as amended, do pass. Report adopted.

SB 168, introduced bill, be amended as follows:

1. Page 1, line 25.
Following: "months"
Insert: ", which period may be extended for 6 months upon further order of the court after notice and hearing"

2. Page 2, line 16.
Strike: "by his aftercare counselor"

3. Page 5, lines 5 through 9.
Strike: lines 5 through 9 in their entirety
Following: "hearing."
Insert: "Any order of the court may be modified at any time. In the case of a youth committed to the department of institutions, an order pertaining to the youth may be modified only upon notice to the department and subsequent hearing."

4. Page 6, line 3.
Following: "....."
Strike: "age 21 or discharge by the department, whichever occurs first."
Insert: "....."

And, as amended, do pass. Report adopted.

TAXATION (Goodover, Chairman):
HB 133, third reading copy, be amended as follows:

1. Page 2, line 8.
Following: "of"
Strike: "$20"
Insert: "$5"
Following: "failure"
Insert: ", provided that the minimum penalty for failure to file the statements required on or before February 15 of each year shall be $50"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Turnage, Chairman):

SB 93, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Hager, Halligan, Hammond, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 42

Noes: Brown, Haffey, Hazelbaker, Mohar, Stimatz, Van Valkenburg.
Total 6

Excused: Graham.
Total 1

Absent or not voting: Boylan.
Total 1

BUSINESS AND INDUSTRY (Kolstad, Chairman):

HB 134, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, McCallum, Norman, Ochsner, Shaw, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Fuller, Mazurek, Mohar, Regan, Towe, Turnage.
Total 6

Excused: Graham.
Total 1

Absent or not voting: Jacobson, Severson.
Total 2

MOTIONS

Senator Lee moved that SB 317 be taken from the Committee on State Administration and that it be referred to the Committee on Business and Industry.

Senator Blaylock made a substitute motion that SB 317 be taken from the Committee on State Administration and that it be referred to the Committee on Agriculture, Livestock and Irrigation. Senator Blaylock withdrew his motion.

Senator Turnage made a substitute motion that SB 317 be taken from the Committee on State Administration and that it be referred to the Committee on Agriculture, Livestock and Irrigation. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning,

Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

Senator Turnage moved that the following name be added to the list of sponsors of SB 263: Towe. Motion carried unanimously.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 4.

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

February 4, 1983

Dear Mr. President:

This is to inform you that I have signed the following measure this date:

Senate bill 13.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 2/3/83

HB 37, introduced by Schultz

HB 159, introduced by Ellison, et al.

HB 227, introduced by Yardley, et al.

HB 231, introduced by Brand, Hemstad

HB 291, introduced by Swift, et al.

HB 304, introduced by Mueller

HB 307, introduced by Brand, Ellerd

HB 346, introduced by Keenan, et al.

HB 390, introduced by Addy, et al.

HB 436, introduced by Harp, et al.

Senate amendments to House bill concurred in: 2/3/83

HB 111, introduced by Hanson, et al.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 352, introduced by Regan, Dover, Mazurek. Referred to Committee on Judiciary.
SB 353, introduced by Christiaens, Wallin, R. Manning, Peck, Galt, Solberg. Referred to Committee on Business and Industry.
SB 354, introduced by Christiaens, Wallin, R. Manning, J. Jensen, Solberg, Gage, Peck, Galt, Severson, Himsl. Referred to Committee on Judiciary.
SB 355, introduced by Ochsner, Kolstad, Lee, Etchart, McCallum, Holliday, Asay, Ellison, Hanson, Shontz, Thoft, (By Request of the Department of Agriculture). Referred to Committee on Agriculture, Livestock and Irrigation.
SB 356, introduced by Mohar, McBride, Schye, Metcalf, Eck, Lynch, Fuller, B. Brown, Marbut, (By Request of the Department of Natural Resources and Conservation). Referred to Committee on Natural Resources.
SB 357, introduced by Jacobson, Daily, Pavlovich, Harrington. Referred to Committee on Fish and Game.
SB 358, introduced by Gage, H. Hammond, Galt, Aklestad, McCallum. Referred to Committee on Education and Cultural Resources.
SB 359, introduced by Marbut, Story, Gage, Severson, Marks, R. Manning, Boylan, Ochsner, McCallum, Graham, Conover, Thoft, Galt, Dover, Lane, E. Smith, Etchart. Referred to Committee on Taxation.
SB 360, introduced by Towe, Galt, Marbut, Lane, Boylan, Conover, Ochsner, Graham. Referred to Committee on Taxation.
SB 361, introduced by Turnage, Norman. Referred to Committee on Taxation.
SB 362, introduced by Etchart, R. Jensen, Lybeck, Ellison. Referred to Committee on Natural Resources.

The following House bills were introduced, read first time, and referred to committees:

HB 37, introduced by Schultz, (By Request of the Administrative Code Committee). Referred to Committee on State Administration.
HB 159, introduced by Ellison, Bertelsen, Asay, Graham. Referred to Committee on Agriculture, Livestock and Irrigation.
HB 227, introduced by Yardley, Dozier, Williams, Kemmis, Keenan, Schye, Abrams, Spaeth, Farris, J. Jensen, Eck, Blaylock, Regan, Howe, Peck, Pistoria, Hart, McCormick, Metcalf, Harrington, J. Brown, Connelly, Zabrocki, Kennerly, Veleber, Brand, Fabrega, Asay, Harp, Jacobsen, (By Request of the Office of the Governor). Referred to Committee on Taxation.
HB 231, introduced by Brand, Hemstad, (By Request of the Public Employees' Retirement Division). Referred to Committee on State Administration.
HB 291, introduced by Swift, Thoft, Phillips, Seifert, Mueller, Marks, Hanson, Ellison. Referred to Committee on Fish and Game.
HB 304, introduced by Mueller, (By Request of the Public Employees' Retirement Board). Referred to Committee on State Administration.
HB 307, introduced by Brand, Ellerd, (By Request of the Department of Institutions). Referred to Committee on Judiciary.
HB 346, introduced by Keenan, Metcalf, Dozier, (By Request of the Office of Budget and Program Planning). Referred to Committee on State Administration.

HB 390, introduced by Addy, Driscoll, Winslow, (By Request of the Personnel and Labor Relations Study Commission). Referred to Committee on Labor and Employment Relations.

HB 436, introduced by Harp, Gage, Thomas, C. Smith, Jones, Stobie, Keating. Referred to Committee on Natural Resources.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly enrolled: SR 4.
Examined by the sponsor (Stephens) and found to be correct: SR 4.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 6:44 p.m., until Saturday, February 5, 1983, at the hour of 9:00 a.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTIETH LEGISLATIVE DAY

Helena, Montana
February 5, 1983

Senate Chambers
State Capitol

Senate convened at 9:00 a.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Hager, Story, Van Valkenburg, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the twenty-ninth legislative day, find the same to be correct.

Tveit, Chairman

COMMUNICATIONS AND PETITIONS

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

February 4, 1983

Dear Mr. President:

This is to acknowledge the return of the Plan of the Districting and Apportionment Commission from the Legislature within 30 days after submission to the Legislature as required by Article V, Section 14 of the Constitution of the State of Montana.

Dated this 4th day of February, 1983.

For the Commission

Anne Brodsky
Staff Researcher

Mr. Eugene Mahoney, Chairman
Montana Districting and Apportionment
Commission
Post Office Box 38
Thompson Falls, Montana 59873

February 4, 1983

Dear Mr. Mahoney:

Pursuant to Article V, Section 14, Subsection (3), the Legislature is returning the redistricting plan to the Montana Districting and Apportionment Commission. The recommendations of the Legislature, in the form of resolutions of the Senate and the House, are attached herewith.

Sincerely,
THE MONTANA STATE LEGISLATURE

Stan Stephens
President of the Senate

Daniel Kemmis
Speaker of the House

Communications from Secretary of State Jim Waltermire stating he had, on February 4, 1983, received from the Secretary of the Senate SR 4 and from the Chief Clerk of the House of Representatives HR 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):

Signed by the President at 6:45 p.m., 2/4/83: SR 4.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
SB 265, introduced bill, be amended as follows:

1. Page 2, line 15.
Strike: "7"
Insert: "30"

2. Page 2, line 19.
Strike: "7"
Insert: "30"

And, as amended, do pass. Report adopted.

FISH AND GAME (Smith, Chairman):
SB 47, do pass. Report adopted.
SB 132, introduced bill, be amended as follows:

1. Title, lines 10 and 11.
Following: "TO"
Strike: remainder of line 10 through "FORMS" on line 11
Insert: "REQUIRE THAT OUTFITTERS USE WRITTEN CONTRACTS"

2. Page 8, line 10.
Following: "that"
Insert: ":

(a)"

3. Page 8, lines 12 through 24.
Following: "public"
Strike: remainder of line 12 through "trip" on line 24
Insert: "; and

(b) a copy of the contract form be on file with the department"

And, as amended, do pass. Report adopted.

SB 257, do pass. Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 2/4/83

HB 232, introduced by Connelly, et al.

HB 298, introduced by Bertelsen, et al.

HB 305, introduced by Harp, et al.

HB 327, introduced by Bergene

HB 336, introduced by Fabrega

HB 350, introduced by Hammond, et al.

HB 352, introduced by Ream

HB 370, introduced by Sands

HB 423, introduced by Schultz, et al.

HB 432, introduced by Devlin, et al.

HB 452, introduced by Daily, et al.

HB 457, introduced by Eudaily

HB 464, introduced by Hemstad, et al.

HB 487, introduced by O'Connell

HB 498, introduced by Peck, et al.

House resolution adopted and delivered to the Montana Secretary of State: 2/4/83

HR 2, introduced by Brand

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 363, introduced by Mazurek. Referred to Committee on Taxation.
SB 364, introduced by Norman. Referred to Committee on Local Government.
SB 365, introduced by Goodover. Referred to Committee on Taxation.
SB 366, introduced by Crippen, Fabrega, Norman, Christiaens, D. Brown, Asay, Lee. Referred to Committee on Judiciary.
SB 367, introduced by Marbut. Referred to Committee on Local Government.
SB 368, introduced by Lee, Kolstad, Switzer, Keating, Aklestad, Graham, Jacobsen, Gage, Roush, Boylan. Referred to Committee on Natural Resources.
SB 369, introduced by Graham, Holliday. Referred to Committee on Natural Resources.
SB 370, introduced by Etchart, Galt, Lane, Ochsner, Asay, Manuel, Spaeth, (By Request of the Department of Natural Resources and Conservation). Referred to Committee on Agriculture, Livestock and Irrigation.
SB 371, introduced by Fuller, Mazurek, Dozier, D. Brown, Yardley. Referred to Committee on Judiciary.
SB 372, introduced by Eck, Vincent, Bardanouve, Harper, Metcalf. Referred to Committee on State Administration.
SB 373, introduced by Van Valkenburg. Referred to Committee on Judiciary.
SB 374, introduced by Boylan. Referred to Committee on Local Government.
SB 375, introduced by Tveit, Keating. Referred to Committee on Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 232, introduced by Connelly, Manuel, J. Brown, Pistoria. Referred to Committee on Local Government.
HB 298, introduced by Bertelsen, Fuller, (By Request of the Department of Administration). Referred to Committee on Local Government.
HB 305, introduced by Harp, C. Smith, Jones, Darko, Connelly, Lybeck, Mueller, Curtiss, B. Brown, McCallum, Severson, (By Request of the Department of State Lands). Referred to Committee on Natural Resources.
HB 327, introduced by Bergene. Referred to Committee on Judiciary.
HB 336, introduced by Fabrega. Referred to Committee on Local Government.

HB 350, introduced by J. Hammond, Fuller, (By Request of the Board of Pardons). Referred to Committee on Judiciary.

HB 352, introduced by Ream, (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Natural Resources.

HB 370, introduced by Sands, (By Request of the Task Force on Corrections). Referred to Committee on Judiciary.

HB 423, introduced by Schultz, Ernst, Keyser, Winslow, Bliss, Fabrega, Ellison, Bergene, Marks, Ramirez, Iverson, Devlin, Harp, Compton, Switzer, Miller, Wallin, Ryan, Solberg, Asay, Bertelsen, Seifert, Mueller, Sands, Kitselman, Hanson, R. Jensen, Curtiss, Thoft, Lory, Fagg. Referred to Committee on Taxation.

HB 432, introduced by Devlin, Switzer, Schultz, Seifert, E. Smith, Hanson, Shaw. Referred to Committee on Agriculture, Livestock and Irrigation.

HB 452, introduced by Daily, Quilici, Pavlovich, D. Brown. Referred to Committee on Judiciary.

HB 457, introduced by Eudaily. Referred to Committee on Education and Cultural Resources.

HB 464, introduced by Hemstad, Gage, (By Request of the Department of Insurance). Referred to Committee on Business and Industry.

HB 487, introduced by O'Connell, (By Request of the Public Employees' Retirement Board). Referred to Committee on State Administration.

HB 498, introduced by Peck, Fabrega, Bachini, Iverson. Referred to Committee on Business and Industry.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Blaylock in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 280 - That SB 280, second reading copy, be amended as follows:

1. Page 1, line 12.
Following: "except"
Strike: "upon approval of a majority of those voting on the question at an election conducted as provided in 85-7-1710 or"
Insert: "upon approval of a 50% majority of those voting on the question at an election conducted pursuant to 85-7-1710 provided that the voting majority must own at least 50% of the acreage included within the district"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Story, Van Valkenburg.

Total 3

Absent or not voting: None.
Total 0

That SB 280, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Story, Van Valkenburg.
Total 3

Absent or not voting: None.
Total 0

SB 96 - That SB 96, without objection, be moved to the bottom of the board.

SB 137 - That SB 137 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Story, Van Valkenburg.
Total 3

Absent or not voting: None.
Total 0

SB 148 - That SB 148 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 46

Noes: Crippen.
Total 1

Excused: Hager, Story, Van Valkenburg.
Total 3

Absent or not voting: None.
Total 0

SB 186 - That SB 186 do pass. Motion carried as follows:

Ayes: Brown, Christiaens, Conover, Crippen, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 34

Noes: Aklestad, Berg, Blaylock, Boylan, Daniels, Dover, Gage, Kolstad, Lane, Lee, Regan.
Total 11

Excused: Hager, Story, Van Valkenburg.
Total 3

Absent or not voting: Halligan, Severson.
Total 2

SB 201 - That SB 201 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Turnage, Tveit, Mr. President.
Total 44

Noes: Crippen, R. Manning, Towe.
Total 3

Excused: Hager, Story, Van Valkenburg.
Total 3

Absent or not voting: None.
Total 0

SB 218 - That consideration on SB 218 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Story, Van Valkenburg.
Total 3

Absent or not voting: None.
Total 0

SB 220 - That SB 220 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning,

Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Story, Van Valkenburg.
Total 3

Absent or not voting: None.
Total 0

SB 225 - That SB 225 do pass. Motion failed as follows:

Ayes: Aklestad, Boylan, Daniels, Dover, Etchart, Galt, Goodover, Haffey, Hammond, Hazelbaker, Lane, D. Manning, Marbut, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Turnage, Mr. President.
Total 23

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Eck, Elliott, Fuller, Gage, Graham, Halligan, Himsl, Jacobson, Keating, Kolstad, Lee, Lynch, R. Manning, Mazurek, Regan, Thomas, Towe.
Total 23

Excused: Hager, Story, Van Valkenburg.
Total 3

Absent or not voting: Tveit.
Total 1

No affirmative action taken.

SB 236 - That SB 236, second reading copy, be amended as follows:

1. Page 5, line 21.
Strike: "AND"
Insert: "or"

2. Page 5, line 22.
Strike: "WITH"
Insert: "without"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Story, Van Valkenburg.
Total 3

Absent or not voting: None.
Total 0

That SB 236, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Story, Van Valkenburg.
Total 3

Absent or not voting: None.
Total 0

SB 249 - That SB 249, second reading copy, be amended as follows:

1. Title, line 6.
Strike: "PRIME"
Insert: "PREVAILING"
Following: "RATE"
Strike: ";"
Insert: "USED BY REGULATED LENDERS;"

2. Title, line 7.
Strike: "SECTIONS"
Insert: "SECTION"

3. Title, lines 7 through 8.
Strike: "31-1-241, 31-1-243, 31-1-501, 32-1-436, AND 32-3-601,"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Story, Van Valkenburg.
Total 3

Absent or not voting: None.
Total 0

That SB 249, second reading copy, be further amended as follows:

1. Page 1, line 16.
Strike: "20"
Insert: "10"

2. Page 2, line 11.
Strike: "2 percentage points above"
Following: "the"
Insert: "average"
Strike: "prime"

3. Page 2, line 12.
Strike: "banks"
Insert: "regulated lenders"
Strike: "United States"
Insert: "state of Montana"

4. Page 2, line 13.
Strike: "20"
Insert: "10"

5. Page 2, line 20 through page 9, line 19.
Following: line 19
Strike: line 20 through page 9, line 19
Renumber: subsequent section

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Story, Van Valkenburg.
Total 3

Absent or not voting: None.
Total 0

That SB 249, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Story, Van Valkenburg.
Total 3

Absent or not voting: None.
Total 0

SB 268 - That SB 268 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 47

Noes: None.

Total 0

Excused: Hager, Story, Van Valkenburg.
Total 3

Absent or not voting: None.
Total 0

HB 91 - That HB 91 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Story, Van Valkenburg.
Total 3

Absent or not voting: None.
Total 0

HB 98 - That HB 98, without objection, be moved to the bottom of the board.

HB 116 - That HB 116 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Story, Van Valkenburg.
Total 3

Absent or not voting: None.
Total 0

SB 162 - That SB 162 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Story, Van Valkenburg.
Total 3

Absent or not voting: None.
Total 0

SB 184 - That SB 184 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Story, Van Valkenburg.
Total 3

Absent or not voting: None.
Total 0

SB 185 - That SB 185 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Story, Van Valkenburg.
Total 3

Absent or not voting: None.
Total 0

SB 194 - That SB 194 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Hager, Story, Van Valkenburg.
Total 3

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Blaylock moved the adoption of the committee report. Report adopted.

Senator Daniels excused at 10:52 a.m.

SPECIAL ORDERS OF THE DAY

Supreme Court Justice Harrison introduced a group of Eagle Scouts from around the state and commended them for their accomplishments.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 9.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 62 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Towe, Turnage, Tveit, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Daniels, Hager, Story, Van Valkenburg.
Total 4

Absent or not voting: Thomas.
Total 1

SB 72 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 44

Noes: Gage, Keating.
Total 2

Excused: Daniels, Hager, Story, Van Valkenburg.
Total 4

Absent or not voting: None.
Total 0

SB 103 passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Gage, Galt, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 42

Noes: Aklestad, Fuller, Goodover, Smith.
Total 4

Excused: Daniels, Hager, Story, Van Valkenburg.
Total 4

Absent or not voting: None.
Total 0

SB 180 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Daniels, Hager, Story, Van Valkenburg.
Total 4

Absent or not voting: None.
Total 0

SB 181 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Daniels, Hager, Story, Van Valkenburg.
Total 4

Absent or not voting: None.
Total 0

SB 193 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Daniels, Hager, Story, Van Valkenburg.
Total 4

Absent or not voting: None.
Total 0

SB 235 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Daniels, Hager, Story, Van Valkenburg.
Total 4

Absent or not voting: None.
Total 0

SB 240 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Daniels, Hager, Story, Van Valkenburg.
Total 4

Absent or not voting: None.
Total 0

SB 276 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Daniels, Hager, Story, Van Valkenburg.
Total 4

Absent or not voting: None.
Total 0

SB 277 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 44

Noes: Boylan, Mohar.
Total 2

Excused: Daniels, Hager, Story, Van Valkenburg.
Total 4

Absent or not voting: None.
Total 0

SB 278 passed as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 38

Noes: Aklestad, Boylan, Eck, Galt, Hammond, McCallum, Mohar, Regan.
Total 8

Excused: Daniels, Hager, Story, Van Valkenburg.
Total 4

Absent or not voting: None.
Total 0

SB 279 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Daniels, Hager, Story, Van Valkenburg.
Total 4

Absent or not voting: Tveit.
Total 1

Senator Kolstad in the Chair.

At the request of Senator Stephens, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved that the temporary rules be temporarily suspended in order to introduce a bill relating to the supervision of legislative employees in the Legislative Council, Legislative Auditor, Legislative Fiscal Analyst, and Environmental Quality Council by the combined House and Senate leadership. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.

Total 46

Noes: None.
Total 0

Excused: Daniels, Hager, Story, Van Valkenburg.
Total 4

Absent or not voting: None.
Total 0

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 23.
Correctly enrolled: SB 102.
Examined by the sponsor (Ochsner) and found to be correct: SB 102.
Signed by the President at 11:10 a.m., 2/5/83: SB 102.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

At the request of Senator Turnage, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Turnage moved that the Senate reconsider its action in accepting the adverse committee report on HB 134, that the Senate request return of HB 134 from the House, and that it be placed on second reading. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 41

Noes: Boylan, Gage, Lee, Lynch, R. Manning.
Total 5

Excused: Daniels, Hager, Story, Van Valkenburg.
Total 4

Absent or not voting: None.
Total 0

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 11:10 a.m., until Monday, February 7, 1983, at the hour of 2:30 p.m.

ALLEN C. KOLSTAD
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTY-FIRST LEGISLATIVE DAY

Helena, Montana
February 7, 1983

Senate Chambers
State Capitol

Senate convened at 2:30 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the thirtieth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 37, SB 41, SB 47, SB 132, SB 168, SB 257, SB 265.
Correctly engrossed: SB 137, SB 148, SB 162, SB 184, SB 185, SB 186, SB 194, SB 201, SB 220, SB 236, SB 249, SB 268, SB 280.
Signed by the President at 11:00 a.m., 2/7/83: HB 111.
Delivered to the Governor for his approval at 9:15 a.m., 2/7/83: SB 102.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully report as follows:

That the following attaches of the Senate be employed as of 8:00 a.m. on Monday, February 7, 1983:

Barbara Solf ..... Page
Judi Allen ..... Page
Tracey Baldwin ..... Page
Tammy Clark ..... Page
Barbara Raths ..... Page
Mike Smith ..... Page
Kurt Llewellyn ..... Page
Mark S. Williams ..... Page
Joseph Lincoln ..... Page

And that the following attaches of the Senate be terminated as of 5:00 p.m. on Saturday, February 5, 1983:

Rebecca Snortland ..... Page
Sylvia Morrison ..... Page
Joel Stokes ..... Page
Roger Peterson ..... Page
Phyllis Pegar ..... Page
Kathleen Mahoney ..... Page
John Hartnett ..... Page

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
SB 107, introduced bill, be amended as follows:

1. Page 1, line 16.
Following: "all"
Insert: "group"

2. Page 1, line 17.

Following: line 16
Insert: "group"

3. Page 2, line 2.
Following: "hospital"
Insert: "or freestanding inpatient facility"

4. Page 2, line 5.
Following: "as"
Strike: "a hospital"
Insert: "an"

5. Page 2, line 25.
Following: "center."
Insert: "including charges by a licensed social worker affiliated with the treatment center"

6. Page 3, line 2.
Following: "psychiatrist"
Strike: "‚"
Insert: "or"
Following: "psychologist"
Strike: "‚ or social worker"

7. Page 3, line 7.
Following: "~~physician~~"
Insert: "physician or"
Following: "chemical"
Strike: "dependence"
Insert: "dependency"

8. Page 3, line 12.
Following: "licensed"
Strike: ", certified,"

9. Page 3, line 13.
Following: "the"
Insert: "alcohol authority of the"

10. Page 4, line 7.
Following: "group"
Strike: "or individual"

11. Page 4, line 8.
Following: "or group"
Strike: "or individual"

12. Page 4, line 10.
Following: "insurance"
Insert: "group"

13. Page 4, line 11.
Following: "plan"
Insert: "group"

14. Page 4, line 20.
Following: "basic"
Strike: "hospital"
Insert: "inpatient"

15. Page 5, line 3.
Following: "inpatient"
Strike: "hospital"

16. Page 5, line 7.
Following: "inpatient"
Strike: "hospital"

17. Page 5, line 9.
Following: "inpatient"
Strike: "hospital"

18. Page 5, line 15.
Following: "~~50%~~"
Strike: "20%"
Insert: "50%"

19. Page 5, line 19.
Following: "~~$1,000~~"
Strike: "$1,500"
Insert: "$1,000"

20. Page 6, line 16.
Following: "31,"
Strike: "1984"
Insert: "1983"

And, as amended, do pass. Report adopted.

SB 144, do pass. Report adopted.
HB 106, be concurred in. Report adopted.
HB 347, third reading copy, be amended as follows:

1. Page 4, line 15.
Following: "~~$250~~"
Strike: remainder of line 15 through "DEFAULT" on line 17
Insert: "$250"

And, as amended, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, Chairman):
SB 154, introduced bill, be amended as follows:

1. Title, line 10.
Following: "SUPERVISORY"
Strike: "EMPLOYEES"
Insert: "POSITIONS"

2. Title, line 11.
Following: "MANAGEMENT"
Strike: "OFFICIALS"
Insert: "POSITIONS"

3. Title, line 11.
Following: "OTHER"
Strike: "EMPLOYEES"
Insert: "POSITIONS"

4. Title, line 12.
Following: "ONLY"
Strike: remainder of line 12 through "OCCUPIED" on line 13
Insert: "IF THE POSITIONS EXISTED ON JULY 1, 1973, AND THE EMPLOYEES OCCUPYING THOSE POSITIONS ON OCTOBER 1, 1983, CONTINUE TO OCCUPY THOSE POSITIONS OR OCCUPY OTHER POSITIONS CONTAINED IN THE UNIT"

5. Page 2, line 5.

Following: "position"
Strike: remainder of line 5 through line 19
Insert: "that is currently occupied by an employee who is not a public employee as defined in 39-31-103, then that employee may, after October 1, 1983, elect to either remain in the bargaining unit in that same position or an equivalent position, or to be excluded from the bargaining unit. In all cases, future replacements made for such positions must be in accordance with subsection (2). This subsection does not apply to bargaining units that have private pension plans."

And, as amended, do pass. Report adopted.

SB 213, do pass. Report adopted.
SB 273, do pass. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
SB 270, introduced bill, be amended as follows:

1. Page 3, line 16.
Following: "(b)."
Insert: "Fees, established on an annual basis, should reflect the actual costs of the tests or services provided."

2. Page 3, line 20.
Strike: "earmarked"
Insert: "special"

And, as amended, do pass. Report adopted.

HB 154, be concurred in. Report adopted.
HB 155, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SB 56, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 56

A statement of intent is required for Senate Bill 56 because it amends Section 75-1-405, MCA, of the Montana Hazardous Waste Act to allow the Department of Health and Environmental Sciences to establish, by rule, fees for registration of hazardous waste generators. The Act, first enacted in 1981, presently contains authority for the Department to assess permit fees for hazardous waste management facilities. In the subsequent two years of its administration, it has become apparent that substantial administration costs are also associated with maintenance of the registry of hazardous waste generators. Therefore, it is the intent of the Legislature to give the Department the authority to set whatever fees are reasonable to offset a portion of the costs of maintenance of the registry, including the costs of inspection of generators, maintenance of files, communications between the Department and generators, and the preparation of program reports. It is further the intent of the Legislature that the fee system developed by the Department not apply to generators of household waste, farmers who generate hazardous waste, and small quantity hazardous waste generators. It is further the intent of the Legislature that fees for maintenance of registration of inactive or infrequent generators of hazardous waste must be $10 per year for the years in which that type generator does not generate hazardous waste.

SB 150, introduced bill, be amended as follows:

1. Page 1, line 19.
Following: "if"
Insert: ":

(a)"

2. Page 1, line 21.
Following: "meaning"
Insert: "; and

(b) one individual per shift is on the premises, accessible to the pool, and currently certified as competent in:

(i) basic water safety measures by the American red cross; and

(ii) cardiopulmonary resuscitation by either the American red cross or the American heart association."

And, as amended, do pass. Report adopted.

SB 182, introduced bill, be amended as follows:

1. Page 1, line 21.
Strike: "shall"

2. Page 1, line 22.
Following: "(a)"
Insert: "shall"
Strike: "fences"

3. Page 1, line 25.
Following: "(b)"
Insert: "may"

4. Page 2, line 1.
Following: "material"
Insert: "at least"

5. Page 2, lines 4 and 5.
Strike: "recurring and persistent"

And, as amended, do pass. Report adopted.

SB 200, introduced bill, be amended as follows:

1. Page 2, line 21.
Strike: "<u>but</u> <u>are</u> <u>not</u> <u>limited</u> <u>to</u>"

2. Page 3, line 8.
Strike: "<u>but</u> <u>are</u> <u>not</u> <u>limited</u> <u>to</u>"

And, as amended, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 200

A statement of intent is required for Senate Bill 200 because it amends Section 50-1-202, MCA, to authorize the Department of Health and Environmental Sciences to adopt rules implementing existing programs promoting maternal and child health and providing handicapped children's services.

The Department has since 1967 been mandated to develop and administer maternal and child health programs and handicapped children's services, programs which by their nature require standards to be set for such

areas as appropriate medical treatment, eligibility for financial assistance and program participation, and reimbursement for services. Those programs presently include the Women, Infants, and Children (WIC) supplemental food program ensuring proper nutrition for young children and low-income pregnant and nursing women; the Child Care Food Program providing food assistance to children in day care; family planning; the Improved Pregnancy Outcome Project; and the Handicapped Children's Program. In addition, all of the present programs receive federal funding and are subject to federal program requirements which mandate standards be set for fair hearings, property management, etc. The Department has, therefore, had to set the required standards for those programs without having the authority under state law to adopt binding rules for them.

Consequently, it is the intent of the legislature that the Department be expressly authorized to adopt rules covering the following:

1. Eligibility criteria for program participation, e.g. income levels, nutritional status, and age;
2. Criteria which must be met by providers of care as a condition of reimbursement, including professional qualification;
3. Conditions included or excluded for coverage;
4. Policies included in state plans, such as the allocation of funds within a program, evaluation procedures and reporting procedures relating to fiscal and programmatic responsibilities;
5. Standards to ensure quality of care, such as care plans and objectives;
6. Fair hearing procedures;
7. Reimbursement rates;
8. Eligibility standards for food program providers;
9. Property management requirements.

SB 232, do pass. Report adopted.

STATE ADMINISTRATION (Story, Chairman):

SB 286, introduced bill, be amended as follows:

1. Title, line 7.
Strike: "CITIZEN"
Insert: "FIVE-MEMBER APPOINTED"

2. Page 3, line 7.
Strike: "citizen"
Insert: "five-member appointed"

3. Page 3, line 10.
Strike: "citizen"
Insert: "five-member appointed"

And, as amended, do pass. Report adopted.

SB 311, introduced bill, be amended as follows:

1. Title, line 7.
Strike: "AN IMMEDIATE"
Insert: "A CONTINGENT"

2. Page 1, line 25.
Strike: line 25 and line 1 on page 2 in their entirety
Insert: "(7) office of the commissioner of political practices."

3. Page 2, line 6.
Following: "date"
Insert: "-coordination"

4. Page 2, line 7.
Following: "approval"
Insert: "of Senate Bill No. 137."

And, as amended, do pass. Report adopted.

SB 211, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: R. Manning.
Total 1

Excused: None.
Total 0

Absent or not voting: Stimatz.
Total 1

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 2/5/83

HB 24, introduced by Keyser, et al.

HB 191, introduced by Ramirez, et al.

HB 243, introduced by Asay, et al.

HB 315, introduced by Wallin, et al.

HB 353, introduced by Shontz, et al.

HB 384, introduced by Hammond

HB 425, introduced by J. Jensen

HB 490, introduced by Fabrega

Senate bills concurred in and returned to the Senate: 2/5/83

SB 44, introduced by Himsl, et al.

SB 58, introduced by Story

SB 66, introduced by Keating

The House, on 2/5/83, acceded to the request of the Senate for the return of HB 134, introduced by Williams, and is returning said bill to the Senate for further consideration.

MOTIONS

Senator Daniels moved that SB 225 be taken from second reading and that it be referred to the Committee on Judiciary. Motion carried unanimously.

Senator Lee moved that HB 347 be taken from printing and that it be referred to the Committee on Business and Industry. Motion carried unanimously.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 376, introduced by Eck. Referred to Committee on Taxation.
SB 377, introduced by Eck. Referred to Committee on Judiciary.
SB 378, introduced by Berg, Regan, Thomas, Eck, Lynch, J. Hammond, Nisbet, Darko, Vincent. Referred to Committee on State Administration.

The following House bills were introduced, read first time, and referred to committees:

HB 24, introduced by Keyser, (By Request of the Joint Subcommittee on Human Services). Referred to Committee on Judiciary.
HB 191, introduced by Ramirez, Bergene, Fabrega, Yardley. Referred to Committee on Judiciary.
HB 243, introduced by Asay, Iverson, Jacobsen, Graham, Winslow, Ramirez, (By Request of the Office of the Governor). Referred to Committee on Finance and Claims.
HB 315, introduced by Wallin, Lory, Peck, Eudaily. Referred to Committee on Education and Cultural Resources.
HB 353, introduced by Shontz, Abrams, Etchart, (By Request of the Department of Highways). Referred to Committee on Highways and Transportation.
HB 384, introduced by J. Hammond, (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.
HB 425, introduced by J. Jensen, (By Request of the Department of Fish, Wildlife, and Parks). Referred to Committee on Fish and Game.
HB 490, introduced by Fabrega, (By Request of the Board of Architects). Referred to Committee on State Administration.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Thomas in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 96 - That SB 96, second reading copy, be amended as follows:

1. Page 2, line 19.
Strike: "AN AMOUNT"
Insert: "a percentage"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That SB 96, second reading copy, be further amended as follows:

1. Title, line 9.
Strike: "SECTIONS"
Insert: "SECTION"
Strike: "17-5-703 AND"

2. Page 1, line 13.
Strike: section 1 in its entirety
Renumber: subsequent sections

3. Page 2, line 6.
Following: "funds" on line 6
Strike: remainder of line 6 through "earnings" on line 7

4. Page 2, line 7.
Following: "subfund"
Insert: ","

5. Page 2, line 8.
Strike: "and"
Following: "subfund"
Insert: ","

6. Page 2, line 9.
Following: "~~subfund~~"
Insert: "and the coal severance tax income subfund"

7. Page 2, line 11.
Insert: "except as provided in subsection (2). Income and earnings from all subfunds must be transferred to and retained in the coal severance tax income subfund."

8. Page 2, line 14.
Following: "~~legislature~~"
Strike: "state"
Insert: "legislature"

9. Page 2, line 15.
Strike: "treasurer"
Following: "~~appropriate~~"
Strike: "deposit:"
Insert: "appropriate as follows:"

10. Page 2, line 16.
Following: "15%" on line 16
Strike: remainder of line 16 through "in" on line 17
Insert: "to be deposited to"

11. Page 2, line 18.
Following: "~~year~~"
Strike: ":"
Insert: "each year;"

12. Page 2, line 19.
Strike: "(B)"
Insert: "(b)"

13. Page 2, line 22.
Strike: "(C)"
Insert: "(c)"
Following: "balance"
Strike: lines 22 through 24
Insert: "to be deposited to the general fund and be available each biennium for appropriation by the legislature and such funds must be separately appropriated."

14. Page 2, line 7.
Strike: "deposited"
Insert: "appropriated"

15. Page 3, line 2.
Following: "~~further~~"
Insert: "further"

16. Page 3, line 5.
Strike: lines 5 through 9 in their entirety
Renumber: subsequent sections

17. Page 3, line 14.
Strike: "17-5-703 and"
Following: "17-5-704"
Strike: "are"
Insert: "is"

Amendment failed as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 24

Noes: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That SB 96, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, D. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Mr. President.
Total 37

Noes: Berg, Blaylock, Daniels, Eck, Fuller, Haffey, Halligan, Lynch, R. Manning, Mohar, Regan, Towe, Van Valkenburg.
Total 13

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 218 - That SB 218 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 98 - That HB 98 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 196 - That SB 196 do pass. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Haffey, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, Marbut, Mazurek, Norman, Regan, Severson, Shaw, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 35

Noes: Aklestad, Conover, Hager, Hammond, R. Manning, Mohar, Ochsner, Smith, Story, Tveit.
Total 10

Excused: None.
Total 0

Absent or not voting: Galt, Graham, Halligan, D. Manning, McCallum.
Total 5

SB 209 - That SB 209 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 212 - That SB 212 do pass. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Eck, Elliott, Etchart, Fuller, Graham, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Keating, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Stimatz, Thomas, Towe, Van Valkenburg.
Total 32

Noes: Aklestad, Daniels, Dover, Gage, Galt, Goodover, Hammond, Himsl, Kolstad, Lee, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 16

Excused: None.
Total 0

Absent or not voting: D. Manning, Norman.
Total 2

SB 285 - That SB 285, second reading copy, be amended as follows:

1. Page 2, line 17.
Following: "(1)."
Strike: remainder of line 17 through "INCLUDED," on line 19

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That SB 285, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 287 - That SB 287 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Daniels, Shaw.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 318 - That SB 318 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 321 - That SB 321 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan,

Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 56 - That HB 56 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 72 - That HB 72 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 132 - That HB 132 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 236 - That HB 236 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 23 - That SB 23 do pass. Motion carried as follows:

Ayes: Aklestad, Boylan, Brown, Conover, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Mr. President.
Total 37

Noes: Berg, Blaylock, Christiaens, Daniels, Eck, Fuller, Haffey, R. Manning, Mohar, Norman, Regan, Towe, Van Valkenburg.
Total 13

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Thomas moved the adoption of the committee report. Report adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 4:22 p.m., until Tuesday, February 8, 1983, at the hour of 2:30 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTY-SECOND LEGISLATIVE DAY

Helena, Montana
February 8, 1983

Senate Chambers
State Capitol

Senate convened at 2:30 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the thirty-first legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 56, SB 107, SB 144, SB 150, SB 154, SB 182, SB 200, SB 213, SB 232, SB 270, SB 273, SB 286, SB 311.
Correctly engrossed: SB 23, SB 96, SB 196, SB 209, SB 212, SB 218, SB 285, SB 287, SB 318, SB 321.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
HB 113, be concurred in. Report adopted.
HB 127, be concurred in. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 95, be concurred in. Report adopted.

JUDICIARY (Turnage, Chairman):
SB 26, introduced bill, be amended as follows:

1. Title, line 9.
Following: "3-5-101"
Strike: ","
Insert: "AND"

2. Title, line 10.
Strike: "AND 3-5-203,"
Strike: "A TERMINATION DATE"

3. Title, line 11.
Strike: "AND"

4. Page 1, line 22.
Strike: "Lake,"

5. Page 1, line 23.
Strike: "Sanders"
Insert: "Ravalli"

6. Page 2, line 1.
Strike: ", Stillwater, Carbon,"

7. Page 2, lines 9 and 10.
Strike: "Meagher, Wheatland, Golden Valley, Musselshell,"

8. Page 2, line 15.
Following: "Yellowstone,"
Insert: ", Stillwater, Carbon,"

9. Page 2, line 18.
Strike: "Ravalli County"
Insert: "Meagher, Wheatland, Golden Valley, and Musselshell Counties"

10. Page 3, line 1.
Strike: ".""
Insert: ";"

11. Page 3.
Following: line 1
Insert: "(20) 20th district: Lake and Sanders Counties."

12. Page 3, line 6.
Strike: "6th," and "10th,"

13. Page 3, line 10.
Strike: "and 13th district"
Insert: "district"
Strike: "each"

14. Page 3.
Following: line 10
Insert: "(4) in the 13th district, five judges;"
Renumber: subsequent subsections

15. Page 3, line 12.
Strike: section 3 in its entirety
Renumber: subsequent sections

16. Page 4, line 8.
Strike: section 5 in its entirety
Renumber: subsequent sections

17. Page 4, line 13.
Strike: section 6 in its entirety
Renumber: subsequent sections

18. Page 4, line 25.
Strike: ":"
Insert: ","

19. Page 5, line 1.
Strike: "(a) section 1 is"
Insert: "Sections 1 and 2 are"
Strike: ";"
Insert: "."

20. Page 5, lines 2 and 3.
Strike: lines 2 and 3 in their entirety

21. Page 5, line 6.
Strike: "4(2)"
Insert: "3(2)"

22. Page 5, line 7.
Strike: line 7 in its entirety

23. Page 5, line 8.
Strike: "4 through 7"
Insert: "3 and 4"

And, as amended, do pass. Report adopted.

SB 177, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "NOT"

2. Title, line 7.
Following: "SUPPORT"
Insert: "ONLY TO THE EXTENT ALLOWED BY FEDERAL LAW"

3. Page 1, line 20.
Strike: "No earnings"
Insert: "Earnings"

4. Page 1, line 22.
Following: "child support"
Insert: "only to the extent allowed by 16 U.S.C. §1673"

5. Page 2, line 4.
Following: "section,"
Insert: "except to the extent that these words include a person covered by a judgement or order under subsection (2),"

And, as amended, do pass. Report adopted.

SB 248, introduced bill, be amended as follows:

1. Title, lines 6 through 8.
Strike: "PROVIDING" through "OFFENSE;"
Insert: "ALLOWING A COUNTY ATTORNEY TO RAISE THE ISSUE OF A CRIMINAL DEFENDANT'S LACK OF FITNESS TO PROCEED WITH TRIAL; PROVIDING FOR THE DISPOSITION OF THOSE DEFENDANTS FOUND UNFIT TO PROCEED; CORRECTING A REFERENCE IN PRIOR LEGISLATION DESCRIBING A MENTAL DISEASE OR DEFECT;"

2. Title, line 8.
Strike: "SECTIONS 46-14-201,"
Insert: "SECTION"
Strike: "AND"

3. Title, line 9.
Strike: "46-14-312,"

4. Title, line 9.
Strike: "; AMENDING"
Insert: ", AND"

5. Title, lines 10 and 11.
Following: "1979"
Strike: remainder of line 10 through "MCA" on line 11

6. Page 1, line 14.
Strike: section 1 in its entirety
Renumber: subsequent sections

7. Page 3, lines 9 through 14.
Following: "future, the"
Strike: remainder of line 9 and lines 10 through 14 in their entirety
Renumber: subsequent subsections

8. Page 3, line 16.
Strike: "(4)"

Insert: "(3)"

9. Page 3, lines 16 through 18.
Strike: "court" on line 16 and lines 17 and 18 in their entirety
Insert: "county attorney shall petition the court in the manner provided in chapter 20 or 21 of Title 53, whichever is appropriate, to determine the disposition of the defendant pursuant to those provisions."

10. Page 4, line 4.
Strike: section 3 in its entirety
Renumber: subsequent sections

11. Page 6, line 18.
Strike: section 5 in its entirety

And, as amended, do pass. Report adopted.

SB 290, introduced bill, be amended as follows:

1. Title, line 8.
Strike: "13-35-202"
Insert: "13-25-202"

2. Page 2, line 4.
Strike: "13-35-202"
Insert: "13-25-202"

And, as amended, do pass. Report adopted.

HB 235, be concurred in. Report adopted.
HB 251, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 170, introduced bill, be amended as follows:

1. Title, line 4.
Strike: "ELIMINATING"
Insert: "TO PROVIDE FOR REVERSION TO THE FORMER OWNER OF CERTAIN INTERESTS IN REAL PROPERTY ACQUIRED FOR A PUBLIC USE AND LATER ABANDONED; LIMITING"

2. Title, line 5.
Following: "OWNER"
Strike: "OF A REAL PROPERTY INTEREST ACQUIRED FOR A PUBLIC USE AND LATER ABANDONED; REPEALING"
Insert: "TO PURCHASE CERTAIN ABANDONED INTERESTS; AMENDING"

3. Page 1.
Following: line 9
Strike: section 1 in its entirety
Insert: "Section 1. Section 70-30-321, MCA, is amended to read:

"70-30-321. Sale of property acquired for public use when use abandoned — procedure. (1) Whenever a person who has acquired a ~~real property~~ fee simple interest in real property for a public use, ~~whether~~ other than by right of eminent domain ~~or otherwise~~, abandons such public use and places such interest for sale, the seller may sell the interest to the highest bidder at public auction.

(2) In the event the seller decides to sell an interest in real property as set forth in subsection (1), he shall publish notice of the

public sale in a newspaper published in the county in which the real property interest is located once a week for 4 successive weeks. Sale shall be held in the county where the real property interest is located. The notice of sale shall contain the information required by 77-2-322."

Section 2. Section 70-30-322, MCA, is amended to read:

"70-30-322. Option of original owner or successor in interest to purchase at sale price. (1) The owner from whom the real property interest described in 70-30-321 was originally acquired ~~by eminent domain or otherwise~~ or, if there is a successor in interest, the successor in interest shall have the option to purchase the interest by offering therefor an amount of money equal to the highest bid received for the interest at a sale provided for in 70-30-321. If more than one person claims an equal entitlement, the option may not be exercised.

(2) If no bids are received by the seller and the optionholder indicates in writing to the seller that he wishes to exercise the option, the seller shall have the real property interest appraised and sell the interest at that price to the optionholder."

Section 3. Reversion of fee interest. When property, in which a fee simple interest has been acquired by right of eminent domain, is abandoned or the purpose for which it was acquired is terminated, the property reverts to the original owner or his successor in interest.

Section 4. Reversion of less than fee interest. When an interest other than a fee simple interest in property, which has been acquired for a public purpose by right of eminent domain, is abandoned or the purpose for which it was acquired is terminated, the property reverts to the original owner or his successor in interest."

And, as amended, do pass. Report adopted.

SB 267, introduced bill, be amended as follows:

1. Title, line 7.
Following: "HOSPITAL;"
Insert: "CLARIFYING THE FUNCTIONS OF THE HOSPITAL; AND ELIMINATING THE JUVENILE RECEPTION AND EVALUATION CENTER;"

2. Page 12, line 16.
Strike: "institution"
Insert: "agency"

3. Page 12.
Following: line 20
Insert: "(b) diagnosis, care, evaluation, treatment, referral, and rehabilitation of persons afflicted with chemical dependency;"
Renumber: subsequent subsections

4. Page 13, lines 1 and 2.
Strike: ", diagnosis, care, treatment, ~~and~~ referral ~~for~~, and rehabilitation"

5. Page 13.
Following: line 6
Strike: "that the institution is directed to treat"

6. Page 13, line 20.
Following: "The"
Insert: "designated"
Strike: "facility"
Insert: "facilities"
Strike: "is"
Insert" "are"

7. Page 13, line 21.
Strike: "component"
Insert: "components"
Following: "the"
Insert: "department's"
Strike: "facility"
Insert: "facilities"

8. Page 13, line 22.
Strike: "of the department of institutions"

9. Page 13, line 25.
Following: "the"
Insert: "facility"

And, as amended, do pass. Report adopted.

SB 284, introduced bill, be amended as follows:

1. Page 2, line 17.
Following: "(3)(a),"
Insert: "the information pamphlet may"
Strike: "at least"

2. Page 2, line 21.
Following: "affiliation"
Insert: ", if applicable to the office sought"

3. Page 2, line 25.
Strike: "and"

4. Page 3, line 1.
Following: "involvement;"
Insert: "and"

5. Page 3.
Following: line 1
Insert: "(ix) a 200-word statement of candidacy, as provided in [section 4];"

6. Page 3.
Strike: lines 2 through 7 in their entirety
Insert: "(c) be arranged so that each candidate except those in subsection (3)(d) is allotted the same amount of space. For purposes of this section, candidates for the offices of governor and lieutenant governor shall be considered as one.

(d) for candidates for an office listed in subsection (3)(a) who do not submit the fee and information specified in [section 4], contain:

(i) the candidate's name and party affiliation, if any; and

(ii) the following statement: "Candidate participation in this pamphlet is voluntary and requires payment of a substantial fee. Some candidates did not choose to submit information and pay the fee."

7. Page 6, line 24.
Following: "information."
Insert: "Candidate notifications shall be mailed, postage prepaid, to the address provided by the candidate on his declaration for nomination."

And, as amended, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 284

A statement of intent is required for this bill because section 5 would grant the Secretary of State the authority to adopt rules establishing fees for the participation of candidates in the voter information pamphlet. Rules are to be adopted under the Montana Administrative Procedure Act. The rules must be consistent with the requirements of section 5 regarding uniformity for all candidates and fees being reasonably related to costs.

SB 304, introduced bill, be amended as follows:

1. Title, line 10.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 25.
Following: "~~qualified~~"
Insert: "and until their successors are appointed"

3. Page 2, line 4.
Following: "~~qualified~~"
Insert: "and until their successors are appointed"
Strike: "An incumbent member shall continue to discharge the duties of his office until his successor is appointed."

4. Page 4.
Following: line 13
Insert: "Section 3. Effective date. This act is effective on passage and approval."

And, as amended, do pass. Report adopted.

SB 312, introduced bill, be amended as follows:

1. Title, line 8.
Following: "2-15-124"
Insert: ", 19-3-302,"

2. Page 3.
Following: line 19
Insert: "Section 2. Section 19-3-302, MCA, is amended to read:

"19-3-302. Compensation and expenses of board members. The travel expenses of members of the board shall be as allowed in 2-18-501 through 2-18-503, as amended, and reimbursed by the retirement system. Those members of the board who are not members of the retirement system shall be entitled to receive, in addition to travel expenses, compensation ~~at the rate of $25 a day~~ as provided in 2-15-1009.""
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

JUDICIARY (Turnage, Chairman):

SB 326, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Boylan, Brown, Conover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, D. Manning, Marbut, Norman, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 28

Noes: Berg, Blaylock, Christiaens, Crippen, Dover, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, McCallum, Mohar, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 21

Excused: None.
Total 0

Absent or not voting: Daniels.
Total 1

SB 328, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, Marbut, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Mr. President.
Total 40

Noes: Christiaens, Haffey, R. Manning, Mazurek, Regan, Thomas, Towe, Van Valkenburg.
Total 8

Excused: None.
Total 0

Absent or not voting: Daniels, D. Manning.
Total 2

HB 245, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Brown, McCallum.
Total 2

HB 246, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 2/7/83

HB 73, introduced by Schultz

HB 262, introduced by Schye, et al.

HB 329, introduced by Shontz, J. Jensen

HB 333, introduced by Roush, et al.

HB 362, introduced by Sands

HB 375, introduced by McBride, et al.

HB 415, introduced by Daily

HB 417, introduced by Metcalf, Hazelbaker

HB 427, introduced by Holliday

HB 448, introduced by Bardanouve

HB 503, introduced by Miller

HJR 14, introduced by Connelly, et al.

MOTIONS

Senator Turnage moved that SB 377 be taken from the Committee on Judiciary and that it be referred to the Committee on Labor and Industry. Motion carried unanimously.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 379, introduced by Lynch, Stimatz, Jacobson, Haffey, Quilici, Menahan, Driscoll, Harrington, Daily, Pavlovich, Keenan, McBride, Towe, Berg. Referred to Committee on Taxation.

SB 380, introduced by R. Manning, Harrington, Lynch, Halligan, Norman, Thomas, Christiaens, Conover, Menahan, Thoft. Referred to Committee on Local Government.

The following House bills were introduced, read first time, and referred to committees:

HB 73, introduced by Schultz. Referred to Committee on Highways and Transportation.

HB 262, introduced by Schye, Menahan, J. Jensen, (By Request of the Department of Institutions). Referred to Committee on Public Health, Welfare and Safety.

HB 329, introduced by Shontz, J. Jensen. Referred to Committee on State Administration.

HB 333, introduced by Roush, Solberg, Switzer, Winslow, Keating, Gage, Kolstad, Tveit, E. Smith, Goodover. Referred to Committee on Taxation.

HB 362, introduced by Sands, (By Request of the Task Force on Corrections). Referred to Committee on Judiciary.

HB 375, introduced by McBride, Fabrega, Harper, Stobie, Schye. Referred to Committee on State Administration.

HB 415, introduced by Daily. Referred to Committee on Judiciary.

HB 417, introduced by Metcalf, Hazelbaker, (By Request of the Board of Pharmacists). Referred to Committee on Judiciary.

HB 427, introduced by Holliday, (By Request of the Office of Budget and Program Planning). Referred to Committee on State Administration.

HB 448, introduced by Bardanouve, (By Request of the Department of Administration). Referred to Committee on Taxation.

HB 503, introduced by Miller, (By Request of the Department of Commerce). Referred to Committee on Business and Industry.

HJR 14, introduced by Connelly, Harp, Lybeck, J. Brown, Koehnke, Zabrocki, Kadas, Hansen, Metcalf, Hart, Veleber, Roush, Harrington, Vincent, Kemmis, Quilici, Jones, Van Valkenburg, Darko, Christiaens, C. Smith, Eck, Iverson, Keyser, Abrams, D. Brown, Hand, McBride, O'Connell, Kennerly, Harper, B. Brown, Lory, Keating, Dover, Bachini, Manuel, Hazelbaker, Pistoria, Yardley, Jacobsen, Seifert, Williams, Berg, Peck, Blaylock, R. Manning, Norman, Fabrega. Referred to Committee on Business and Industry.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Van Valkenburg in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 37 - That SB 37 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting:

Total 0

SB 41 - That SB 41 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting:
Total 0

SB 47 - That SB 47 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting:
Total 0

SB 132 - That SB 132 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting:
Total 0

Senator Haffey in the Chair.

SB 168 - That SB 168 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting:
Total 0

Senator Van Valkenburg in the Chair.

SB 257 - That SB 257 do pass. Motion failed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Fuller, Halligan, Himsl, Jacobson, Kolstad, Lee, R. Manning, Mohar, Norman, Regan, Severson, Smith, Stimatz, Towe, Tveit, Van Valkenburg.
Total 20

Noes: Aklestad, Boylan, Brown, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Haffey, Hager, Hammond, Hazelbaker, Keating, Lane, Lynch, D. Manning, Marbut, Mazurek, McCallum, Ochsner, Shaw, Story, Thomas, Turnage, Mr. President.
Total 29

Excused: None.
Total 0

Absent or not voting: Graham.
Total 1

That SB 257 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Boylan, Brown, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lynch, Marbut, Mazurek, McCallum, Ochsner, Shaw, Story, Thomas, Turnage, Mr. President.
Total 28

Noes: Berg, Blaylock, Christiaens, Conover, Fuller, Haffey, Halligan, Kolstad, Lane, Lee, D. Manning, R. Manning, Mohar, Norman, Regan, Severson, Smith, Stimatz, Towe, Tveit, Van Valkenburg.
Total 21

Excused: None.
Total 0

Absent or not voting: Hager.
Total 1

SB 265 - That SB 265 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R.

Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 133 - That HB 133 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 134 - That consideration on HB 134 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Van Valkenburg moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 137 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Graham.
Total 1

SB 148 passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Crippen.
Total 1

Excused: None.
Total 0

Absent or not voting: Aklestad, Graham.
Total 2

SB 162 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 184 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker,

Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 185 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Marbut.
Total 1

SB 186 passed as follows:

Ayes: Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Aklestad, Blaylock, Eck, Mohar, Regan.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 194 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: McCallum.
Total 1

SB 201 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Mr. President.
Total 45

Noes: Crippen, Eck, Mohar, Towe, Van Valkenburg.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 220 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 236 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 48

Noes: Himsl, Van Valkenburg.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 249 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 268 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 280 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Boylan.
Total 1

HB 91 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 116 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Eck moved that the following names be added to the list of sponsors of SB 377: Addy, Metcalf, J. Jensen, Halligan. Motion carried unanimously.

Senator Mohar moved that SB 196 be taken from third reading and that it be referred to second reading. Motion failed as follows:

Ayes: Aklestad, Dover, Elliott, Etchart, Graham, Hager, Hammond, Lee, McCallum, Mohar, Ochsner, Regan, Severson, Smith, Story, Thomas, Tveit.
Total 17

Noes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Gage, Galt, Goodover, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Norman, Shaw, Stimatz, Towe, Turnage, Van Valkenburg, Mr. President.
Total 33

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 4:02 p.m., until Wednesday, February 9, 1983, at the hour of 2:30 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTY-THIRD LEGISLATIVE DAY

Helena, Montana
February 9, 1983

Senate Chambers
State Capitol

Senate convened at 2:30 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except D. Manning, Stimatz, Van Valkenburg, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the thirty-second legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 26, SB 170, SB 177, SB 248, SB 267, SB 284, SB 290, SB 304, SB 312, SB 326.
Correctly engrossed: SB 37, SB 41, SB 47, SB 132, SB 168, SB 265.
Signed by the President at 10:30 a.m., 2/9/83: HB 82.

COMMITTEES (Galt, Chairman):
We hereby appoint to the Western States Legislative Forestry Task Force the following members:

Paul F. Boylan
Elmer D. Severson

And hereby appoint to the Administrative Code Committee the following members:

H. W. "Swede" Hammond
Lawrence G. Stimatz
Pete Story
Bill Thomas

Report adopted.

FISH AND GAME (Smith, Chairman):
SB 126, introduced bill, be amended as follows:

1. Title, line 7.
Following: "LEASES"
Insert: "PRIVATE"
Following: "PROPERTY"
Insert: "FOR THE PRIMARY PURSUIT OF BONA FIDE AGRICULTURAL INTERESTS"

2. Page 1, line 21.
Following: "on"
Insert: "private"

3. Page 1, line 22.
Following: "leases"
Insert: "for the primary pursuit of bona fide agricultural interests"

And, as amended, do pass. Report adopted.

JUDICIARY (Turnage, Chairman):
SB 138, introduced bill, be amended as follows:

1. Title, line 13.
Following: line 12

Insert: "30-9-306, 30-9-308,"

2. Page 120, line 3.
Strike: section 68 in its entirety
Insert: subsequent sections

3. Page 143, line 14.
Following: "filing shall be"
Strike: remainder of line 14 through "include" on line 15
Insert: "the following"

4. Page 143, line 17.
Following: "form"
Insert: "— $2"

5. Page 143, line 18.
Following: "form"
Insert: "— $2"

6. Page 143, line 20.
Following: "form"
Insert: "— $2"

7. Page 143, line 22.
Following: "form"
Insert: "— $2"

8. Page 143, line 25.
Following: "form"
Insert: "— $3"

9. Page 144, line 2.
Following: "form"
Insert: "— an additional $2"

10. Page 144, line 3.
Following: "indexed"
Insert: "— $2"

11. Page 144, line 4.
Strike: "and"

12. Page 144, line 5.
Following: "fee"
Insert: "of $2 for"

13. Page 144, line 6.
Following: "person"
Insert: "; and"

14. Page 144.
Following: line 6
Insert: "(i) any of the filing and indexing in subsections (a), (b), or (d) where the collateral is equipment or rolling stock of railroads or street railways — $15"

15. Page 145, line 2.
Strike: subsection (8) in its entirety

16. Page 147, line 19.
Following: "30-9-403"
Strike: "(8)"

17. Page 148, line 13.

Following: "30-9-403"
Strike: "(8)"

18. Page 149, line 24.
Following: "30-9-403"
Strike: "(8)"

19. Page 151, line 11.
Following: "30-9-403"
Strike: "(8)"

20. Page 152, line 5.
Following: "30-9-403"
Strike: "(8)"

And, as amended, do pass. Report adopted.

HB 27, be concurred in. Report adopted.
HB 350, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 269, introduced bill, be amended as follows:

1. Title, line 5.
Strike: "REQUIRING"
Insert: "AUTHORIZING"

2. Title, line 6.
Following: "REFUNDS"
Insert: "AND CREDITS"

3. Page 1, line 15.
Following: "any"
Insert: "utility"

4. Page 2, line 3.
Strike: "shall"
Insert: "may"
Following: "refunds"
Insert: "or credits"

5. Page 2, line 14.
Following: "~~investigation,~~"
Insert: ", upon such hearing and due investigation,"

6. Page 2, line 23.
Strike: "shall"
Insert: "may"
Following: "refunds"
Insert: "or credits"

And, as amended, do pass. Report adopted.

SB 346, introduced bill, be amended as follows:

1. Title, line 8.
Following: "PARTY"
Insert: ","

2. Page 1, line 25.
Following: "party"
Insert: ","

3. Page 2, line 8.

Following: "party"
Insert: ","

4. Page 2, line 12.
Following: "party"
Insert: ","

And, as amended, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

February 9, 1983

Dear Mr. President:

This is to inform you that I have signed the following measure this date:

Senate bill 102.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 2/8/83

HB 8, introduced by Ryan

HB 33, introduced by Kitselman

HB 115, introduced by Waldron

HB 126, introduced by Kitselman, Shontz

HB 289, introduced by Pistoria, R. Manning

HB 397, introduced by J. Jensen, et al.

HB 426, introduced by Bertelsen, Eck

HB 429, introduced by Hannah, Addy

HB 433, introduced by Mueller, et al.

HB 450, introduced by Brand, et al.

HB 460, introduced by Manuel

HB 481, introduced by Phillips, et al.

HB 506, introduced by Yardley

HB 521, introduced by Vincent

HB 529, introduced by Harper

HB 534, introduced by J. Jensen

HJR 15, introduced by Spaeth, et al.

MOTIONS

Senators D. Manning and Van Valkenburg present at 2:39 p.m.

Senator Regan moved that SB 54 be taken from the Committee on Business and Industry and that it be printed and placed on second reading. Motion failed as follows:

Ayes: Berg, Blaylock, Brown, Conover, Crippen, Daniels, Eck, Fuller, Galt, Goodover, Haffey, Halligan, Hazelbaker, Himsl, Keating, Lane, Mazurek, Mohar, Norman, Regan, Shaw, Towe, Turnage, Van Valkenburg.
Total 24

Noes: Aklestad, Boylan, Christiaens, Dover, Elliott, Etchart, Gage, Graham, Hager, Hammond, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, McCallum, Ochsner, Severson, Smith, Thomas, Tveit, Mr. President.
Total 24

Excused: Stimatz.
Total 1

Absent or not voting: Story.
Total 1

Senator Mazurek moved that the Senate reconsider its action in adopting the adverse committee report on HB 245 and that the Senate request that the same be returned from the House. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Graham, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Thomas, Towe, Van Valkenburg.
Total 27

Noes: Aklestad, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hammond, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 22

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

Senator Hager moved that SB 107 be taken from second reading and that it be referred to the Committee on Public Health, Welfare and Safety. Motion failed as follows:

Ayes: Boylan, Brown, Crippen, Dover, Elliott, Etchart, Galt, Graham, Hager, Halligan, Himsl, Marbut, Norman, Shaw, Story, Thomas, Van Valkenburg.
Total 17

Noes: Aklestad, Berg, Blaylock, Christiaens, Conover, Eck, Fuller, Gage, Goodover, Haffey, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Smith, Towe, Turnage, Tveit, Mr. President.
Total 31

Excused: Stimatz.
Total 1

Absent or not voting: Daniels.
Total 1

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 381, introduced by Hager. Referred to Committee on Judiciary.
SB 382, introduced by Stimatz, Jacobson, Daniels, Christiaens. Referred to Committee on Business and Industry.
SB 383, introduced by Etchart, Lee, Fuller. Referred to Committee on Fish and Game.
SB 384, introduced by Turnage, Goodover, Crippen, Severson, Elliott, Gage, Halligan, Towe, Eck, Lynch, Hager, B. Brown, McCallum, Norman, Mazurek, (By Request of the Senate Taxation Committee). Referred to Committee on Taxation.
SB 385, introduced by Stimatz, (By Request of the Department of Justice). Referred to Committee on Judiciary.
SB 386, introduced by Halligan. Referred to Committee on Judiciary.
SB 387, introduced by Mohar, Darko, Mueller, Ream, J. Jensen, Marbut, E. Smith, Lee. Referred to Committee on Fish and Game.
SB 388, introduced by Blaylock. Referred to Committee on Judiciary.
SB 389, introduced by Turnage, Kolstad, Shaw, Galt, Hazelbaker, Goodover, Dover, Stephens, Crippen, B. Brown, H. Hammond, Mazurek, Tveit, Lane, Halligan, Daniels, E. Smith, Berg. Referred to Committee on Judiciary.
SJR 12, introduced by Towe, B. Brown, J. Jensen, Eck, Van Valkenburg, Norman, Berg, Christiaens, R. Manning, Haffey, Daniels, Stimatz. Referred to Committee on Legislative Administration.

The following House bills were introduced, read first time, and referred to committees:

HB 8, introduced by Ryan. Referred to Committee on Natural Resources.
HB 33, introduced by Kitselman. Referred to Committee on Taxation.
HB 115, introduced by Waldron. Referred to Committee on Local Government.
HB 126, introduced by Kitselman, Shontz. Referred to Committee on Local Government.
HB 289, introduced by Pistoria, R. Manning. Referred to Committee on Local Government.
HB 397, introduced by J. Jensen, McBride, Driscoll, Dozier, J. Brown, Darko. Referred to Committee on Highways and Transportation.
HB 426, introduced by Bertelsen, Eck. Referred to Committee on Local Government.
HB 429, introduced by Hannah, Addy. Referred to Committee on Judiciary.
HB 433, introduced by Mueller, Darko, Keyser. Referred to Committee on Judiciary.
HB 450, introduced by Brand, Ellerd, Menahan. Referred to Committee on State Administration.
HB 460, introduced by Manuel. Referred to Committee on Taxation.
HB 481, introduced by Phillips, Underdal, Roush, Kennerly, Solberg, Iverson, Peck, Bardanouve, Jacobsen. Referred to Committee on Judiciary.
HB 506, introduced by Yardley, (By Request of the Department of Administration). Referred to Committee on State Administration.
HB 521, introduced by Vincent. Referred to Committee on State Administration.
HB 529, introduced by Harper, (By Request of the Department of Commerce). Referred to Committee on Business and Industry.

HB 534, introduced by J. Jensen. Referred to Committee on Business and Industry.

HJR 15, introduced by Spaeth, Saunders, Ellison, Schye, Williams, Switzer, Driscoll, Sands, Hannah, Addy, Bardanouve, J. Jensen, Dozier, Asay, Bengtson, Abrams, Keenan, D. Brown, Howe, Towe, Ramirez, Conover. Referred to Committee on Agriculture, Livestock and Irrigation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Tveit in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 134 - That HB 134, third reading copy, be amended as follows:

1. Page 6, line 19.
Following: "sciences"
Insert: "and the local law enforcement agency that has jurisdiction over the premises where the event is to be held"

2. Page 8, line 2.
Following: "fee"
Insert: "and a written statement of approval of the premises where the event is to be held issued by the department of health and environmental sciences and the local law enforcement agency that has jurisdiction over the premises where the event is to be held"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

That HB 134, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Gage, R. Manning.
Total 2

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 56 - That SB 56 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 107 - That SB 107 do pass. Motion carried as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Daniels, Dover, Eck, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Halligan, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Mohar, Norman, Regan, Thomas, Towe, Van Valkenburg.
Total 31

Noes: Aklestad, Boylan, Brown, Crippen, Elliott, Galt, Hager, Hammond, Himsl, Marbut, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 18

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 144 - That SB 144 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: R. Manning, Regan.
Total 2

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 150 - That SB 150 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 154 - That SB 154 do pass. Motion carried as follows:

Ayes: Aklestad, Blaylock, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Marbut, Ochsner, Severson, Shaw, Smith, Story, Tveit, Mr. President.
Total 25

Noes: Berg, Christiaens, Conover, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Thomas, Towe, Van Valkenburg.
Total 18

Excused: Stimatz.
Total 1

Absent or not voting: Boylan, Daniels, Lee, D. Manning, McCallum, Turnage.
Total 6

SB 182 - That SB 182 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Boylan, Christiaens, Crippen, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lee, Lynch, McCallum, Ochsner, Severson, Shaw, Smith, Story, Thomas, Tveit.
Total 30

Noes: Blaylock, Brown, Conover, Daniels, Fuller, Haffey, Halligan, Lane, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Towe, Van Valkenburg, Mr. President.
Total 17

Excused: Stimatz.
Total 1

Absent or not voting: D. Manning, Turnage.
Total 2

Senate stood at ease at 4:05 p.m.

Senate resumed at 4:15 p.m.

SB 200 - That SB 200, second reading copy, be amended as follows:

1. Page 3, line 12.
Following: ";"
Insert: "and"

2. Page 3, line 13.
Following: "eligibility;"
Strike: "and"

3. Page 3, line 14.
Strike: "(e) payment for services;"

Amendment passed as follows:

Ayes: Aklestad, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Keating, Kolstad, Lee, Marbut, McCallum, Norman, Ochsner, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 23

Noes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Graham, Haffey, Halligan, Himsl, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Regan, Thomas, Towe, Van Valkenburg.
Total 21

Excused: Stimatz.
Total 1

Absent or not voting: Boylan, Brown, Fuller, Hazelbaker, Severson.
Total 5

That SB 200, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Dover, Galt, Hager, Keating, Shaw.
Total 5

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 213 - That consideration on SB 213 be passed. Motion failed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Halligan, Himsl, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Severson, Towe, Van Valkenburg.
Total 22

Noes: Aklestad, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 24

Excused: Stimatz.

Total 1

Absent or not voting: Boylan, Brown, Thomas.
Total 3

That SB 213 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, D. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 40

Noes: Daniels, Fuller, Haffey, Jacobson, Lynch, R. Manning, Regan, Van Valkenburg.
Total 8

Excused: Stimatz.
Total 1

Absent or not voting: Mohar.
Total 1

SB 232 - That SB 232 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 270 - That SB 270 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 273 - That consideration on SB 273 be passed. Motion failed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Himsl, Jacobson, Lane, Lynch, D. Manning, Mazurek, Mohar, Norman, Regan, Severson, Towe, Van Valkenburg.
Total 22

Noes: Aklestad, Boylan, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lee, R. Manning, Marbut, McCallum, Ochsner, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 26

Excused: Stimatz.
Total 1

Absent or not voting: Brown.
Total 1

That SB 273 do pass. Motion carried as follows:

Ayes: Aklestad, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, Ochsner, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 26

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Norman, Regan, Towe, Van Valkenburg.
Total 21

Excused: Stimatz.
Total 1

Absent or not voting: Boylan, Mohar.
Total 2

SB 286 - That SB 286, without objection, be moved to the bottom of the board.

SB 311 - That SB 311 do pass. Motion carried as follows:

Ayes: Aklestad, Blaylock, Brown, Christiaens, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, D. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 35

Noes: Berg, Boylan, Conover, Daniels, Eck, Haffey, Halligan, Lynch, R. Manning, Mohar, Regan, Van Valkenburg.
Total 12

Excused: Stimatz.
Total 1

Absent or not voting: Fuller, Keating.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 23 passed as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 41

Noes: Berg, Fuller, R. Manning, Towe.
Total 4

Excused: Stimatz.
Total 1

Absent or not voting: Daniels, Keating, Mohar, Van Valkenburg.
Total 4

SB 96 passed as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Conover, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 37

Noes: Blaylock, Christiaens, Daniels, Eck, Fuller, Haffey, Halligan, R. Manning, Mohar, Regan, Towe, Van Valkenburg.
Total 12

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 196 passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, Norman, Regan, Shaw, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 38

Noes: Aklestad, Hager, Hammond, R. Manning, McCallum, Mohar, Ochsner, Severson, Smith, Story, Tveit.
Total 11

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 209 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan,

Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 212 passed as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Kolstad, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 35

Noes: Aklestad, Boylan, Dover, Gage, Hammond, Himsl, Keating, Lane, Lee, Severson, Shaw, Smith, Story, Tveit.
Total 14

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 218 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 285 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.

Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 287 passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Aklestad, Keating.
Total 2

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 318 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

SB 321 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Story.
Total 1

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

HB 56 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

HB 72 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

HB 98 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: None.
Total 0

HB 132 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: Daniels.
Total 1

HB 236 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Stimatz.
Total 1

Absent or not voting: Turnage.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Kolstad, Vice-Chairman):
HB 165, be concurred in. Report adopted.
HB 258, be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
SB 120, do pass. Report adopted.
SB 206, introduced bill, be amended as follows:

1. Title, line 8.
Following: "BANKS"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 3, line 16.
Following: line 15
Insert: "Effective date. This act is effective on passage and approval."

And, as amended, do pass. Report adopted.

SB 207, introduced bill, be amended as follows:

1. Title, line 7.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2, line 7.
Following: line 6
Insert: "Section 2. Effective date. This act is effective on passage and approval."

And, as amended, do pass. Report adopted.

SB 221, introduced bill, be amended as follows:

1. Page 1, line 21.
Following: "part 21,"
Insert: "and Title 7, chapter 12, part 41,"

2. Page 1, line 22.
Following: "part 21,"
Insert: "and Title 7, chapter 12, part 41,"

And, as amended, do pass. Report adopted.

HB 347, third reading copy, be amended as follows:

1. Page 4, line 15.
Following: "~~$250~~"
Strike: "3%"
Insert: "the lesser of $1000 or 1%"

And, as amended, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on SJR 1
Report No. 1, February 9, 1983

Mr. President and Speaker of the House:

We, your free conference committee on SJR 1, met January 31, 1983, February 1, 1983, February 2, 1983, and February 9, 1983 and considered:

House Committee on Rules amendments (1/20/83)

House Committee of the Whole amendments to the House Committee on Rules amendments (1/24/83)

House Committee of the Whole amendment to the Committee of the Whole amendments (1/24/83)

We recommend that:

The Senate accede to House Committee on Rules amendments 1, 3, 4, 6, 7, 8, 10, 11, and 12.

The House recede from House Committee on Rules amendment 2.

The House recede from House Committee on Rules amendment 9.

The House recede from Committee of the Whole amendments to Committee amendment 1.

The Senate accede to Committee of the Whole amendment to Committee amendment 2.

The House recede from House Committee of the Whole amendment 3.

The Senate accede to Committee of the Whole amendment to the Committee of the Whole amendments.

The House Committee on Rules amendment 5 and the reference copy of SJR 1 be amended to read as specified in the clerical instructions.

The free conference committee report on SJR 1 be adopted.

Clerical Instructions:

1. Page 21, lines 5 through 9.
Strike: lines 5 through 9 in their entirety

2. Page 38, line 22.
Strike: "40TH"
Insert: "50th"

3. Page 39, line 1.
Strike: "40TH"
Insert: "50th"

4. Page 39, line 1.
Following: "DAY."
Insert: "House amendments to such bills shall be transmitted by the House to the Senate on or before the 70th day unless two-thirds of the members present and voting in the Senate determine that such an amendment may be transmitted after the 70th day."

5. Page 39, line 12 through page 40, line 5.
Strike: all of the material in its entirety

For the Senate:

Senator Turnage, Chairman
Senator Blaylock
Senator Aklestad

For the House:

Representative Vincent, Chairman
Representative Yardley
Representative Ramirez

MOTIONS

Senator McCallum moved that SB 319 be taken from the Committee on State Administration and that it be referred to the Committee on Local Government. Motion carried unanimously.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 5:19 p.m., until Thursday, February 10, 1983, at the hour of 2:30 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTY-FOURTH LEGISLATIVE DAY

Helena, Montana
February 10, 1983

Senate Chambers
State Capitol

Senate convened at 2:30 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the thirty-third legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 120, SB 126, SB 138, SB 206, SB 207, SB 221, SB 269, SB 346.
Correctly engrossed: SB 56, SB 107, SB 144, SB 150, SB 154, SB 182, SB 200, SB 213, SB 232, SB 270, SB 273, SB 311.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Kolstad, Vice-Chairman):
SB 259, introduced bill, be amended as follows:

1. Title, line 7.
Strike: "ADDING A PUBLIC MEMBER TO THE BOARD;"
Insert: "REMOVING THE BOARD OF LIVESTOCK FROM PERIODIC AGENCY EVALUATION;"

2. Title, line 16.
Following: "MARKET;"
Insert: "ELIMINATING THE SALE OF FIVE OR LESS HEAD OF LIVESTOCK AS AN EXEMPTION FROM BRAND INSPECTION;"
Following: "2-8-103,"
Strike: "2-15-3102,"

3. Title, line 18.
Strike: "81-3-216,"
Following: "81-5-202,"
Insert: "81-7-504,"

4. Page 2, lines 12 and 13.
Following: "rules"
Strike: remainder of line 12 through "2-8-122" on line 13

5. Page 6, lines 23 through 25.
Strike: line 23 through "." on line 25 in their entirety

6. Page 7, line 1 through page 8, line 4.
Strike: section 3 in its entirety
Renumber: subsequent sections

7. Page 10, line 14.
Strike: "general fund of this state"
Insert: "earmarked revenue fund for the use of the department"

8. Page 16, lines 14 through 16.
Following: "when" on line 14

Strike: remainder of line 14 through "(b)" on line 17

9. Page 16, line 22.
Strike: "(i)"
Insert: "(a)"

10. Page 16, line 23.
Strike: "(ii)"
Insert: "(b)"

11. Page 16, line 25.
Strike: "(iii)"
Insert: "(c)"

12. Page 22, line 13 through page 23, line 2.
Strike: section 13 in its entirety
Renumber: subsequent sections

13. Page 24, line 1.
Following: line 25 on page 23
Insert: "Section 14. Section 81-7-504, MCA, is amended to read:

"81-7-504. Duration of permit — fee. ~~Each~~ The department of livestock shall establish a fee for the permit and each permit shall be valid for a period set by the department ~~of livestock~~ not to exceed 3 years ~~and shall cost $50 or portion thereof if a period of less than a year is set~~. All fees for permits shall be paid to the department of livestock for deposit in the state treasury to the credit of the earmarked revenue fund for predatory animal control.""

Renumber: subsequent sections

14. Page 26, line 1.
Strike: "general fund"
Insert: "earmarked revenue fund for the use of the department"

15. Page 26, line 23.
Strike: "general fund of this state"
Insert: "earmarked revenue fund for the use of the department"

And, as amended, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 259

A statement of intent is required for Senate Bill 259 because section 5 grants the Department of Livestock authority to charge fees commensurate with costs and section 14 grants authority to establish rules for handling estrays.

The Legislature intends that the fees be set in an amount sufficient to provide funds to administer the function for which the fee is charged. Fees shall not be set so high as to generate revenue in excess of expenses.

The Department is required by law to process estrays at livestock markets. Section 14 specifically grants the Department authority to establish rules for the handling of estrays. It is the intent of the Legislature that the rules provide for collecting, holding, advertising, and selling of estrays in an expeditious manner while facilitating the movement of livestock and also protecting the property interests of the owner of the livestock.

JUDICIARY (Turnage, Chairman):

SB 237, introduced bill, be amended as follows:

1. Title, lines 5 and 6.

Strike: "PERPETRATORS OF CRIMES"
Insert: "CRIMINAL OFFENDERS"

2. Page 1, line 10.
Strike: "Sentence"
Insert: "Condition"

3. Page 1, line 11.
Strike: "sentence"
Insert: "require"

4. Page 1, line 12.
Following: "offense."
Strike: remainder of line 12 through "restitution" on line 14

5. Page 1, line 15.
Following: "loss."
Insert: "(1)"

6. Page 1, line 17.
Strike: "sentence or the victim of the offense"
Insert: "condition of a deferred or suspended sentence"

7. Page 1, line 18.
Strike: "a"
Insert: "the probation officer to include in the"

8. Page 1, line 19.
Following: "report"
Insert: ":"
Strike: remainder of line 19 and line 20 in its entirety

9. Page 1.
Following: line 20
Insert: "(a) documentation of the offender's financial resources and future ability to pay restitution; and

(b) documentation of the victim's pecuniary loss submitted by the victim.

(2) Where no presentence report is authorized or requested, the court may receive evidence of the offender's ability to pay and the victim's loss at the time of sentencing."

10. Page 1, line 22.
Following: "through 9],"
Insert: "the following definitions apply:

(1)"
Strike: "pecuniary"
Insert: "Pecuniary"

11. Page 1, line 23.
Strike: "(1)"
Insert: "(a)"

12. Page 2, line 6.
Strike: "(2)"
Insert: "(b)"

13. Page 2.
Following: line 8
Insert: "(2) "Victim" means:

(a) a person who suffers loss of property, bodily injury, or death as a result of:

(i) criminally injurious conduct; or

(ii) his good faith effort to prevent criminally injurious conduct;

(b) an insurer or surety with a right of subrogation to the extent it has reimbursed the victim of the offense for his pecuniary loss."

14. Page 2, line 11.
Strike: "or other restitution"

15. Page 2, line 12.
Strike: "or performance"

16. Page 2, line 13.
Strike: "or performance"

17. Page 2, line 21.
Strike: "defendant"
Insert: "offender"

18. Page 3, line 5.
Strike: "or performance"

19. Page 3, lines 11 and 12.
Strike: "or other restitution"

20. Page 3, line 13.
Strike: "or other restitution"

21. Page 3, line 14.
Strike: "or unperformed"

22. Page 3, line 20.
Strike: "for 60 days"

23. Page 3, lines 21 and 22.
Strike: "or a victim"

24. Page 4, line 1.
Following: "hearing or"
Insert: ", if he fails to appear as ordered,"

25. Page 4, line 3.
Following: "hearing"
Strike: remainder of line 3 through "under" on line 6
Insert: "as provided in"

26. Page 4, lines 6 and 7.
Strike: "to revoke a suspended or deferred sentence"

27. Page 4, line 8.
Strike: "Unless the offender shows that his"
Insert: "If the court finds that the offender's"
Strike: "not"

28. Page 4, lines 9 and 10.
Strike: "to an intentional refusal to obey the sentence of the court or"

29. Page 4, lines 11 and 12.
Strike: "or otherwise perform"
Insert: "of"

30. Page 4, line 14.
Following: "ordered,"
Strike: remainder of line 14 through ". The" on line 16
Insert: "the"

31. Page 4, line 20.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

32. Page 5, line 8.
Strike: "for money rendered in favor of the state"

33. Page 5, line 9.
Strike: "reparation fund"
Insert: "compensation account"

34. Page 5, line 10.
Strike: "by a"
Insert: "from the"

35. Page 5, lines 10 and 11.
Strike: "reparation fund"
Insert: "compensation account established in 53-9-109"

36. Page 5, line 11.
Strike: "fund"
Insert: "account"

37. Page 5, line 12.
Strike: "fund's"
Insert: "account's"

38. Page 5, line 14.
Following: "court"
Strike: remainder of line 14 through "judgments" on line 15

39. Page 5, line 16.
Strike: "a"
Insert: "the"
Strike: "reparation fund"
Insert: "compensation account"

40. Page 6, line 5.
Strike: "judgment in favor of"
Insert: "pecuniary loss awarded to"

41. Page 6, line 8.
Strike: "hold a separate hearing to"

42. Page 6, line 9.
Strike: "validity and"

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 345, do pass. Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
SB 229, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Boylan, Brown, Conover, Crippen, Dover, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, Marbut, Mazurek,

McCallum, Mohar, Norman, Ochsner, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit.
Total 35

Noes: Berg, Blaylock, Christiaens, Eck, Fuller, Halligan, R. Manning, Regan, Thomas, Van Valkenburg.
Total 10

Excused: None.
Total 0

Absent or not voting: Daniels, Elliott, D. Manning, Severson, Mr. President.
Total 5

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 2/9/83

HB 196, introduced by Peck, et al.

HB 263, introduced by Ream, et al.

HB 295, introduced by Hemstad

HB 300, introduced by Farris, et al.

HB 355, introduced by Sands, et al.

HB 399, introduced by Vinger, et al.

HB 434, introduced by Smith, et al.

HB 461, introduced by Asay

HB 465, introduced by Hemstad, Gage

HB 466, introduced by Eudaily, Lory

HB 480, introduced by Addy

HB 492, introduced by Dozier

HB 502, introduced by Pavlovich, Quilici

MOTIONS

Senator Halligan moved that SB 261 be taken from the Committee on Business and Industry and that it be referred to the Committee on Judiciary. Motion carried unanimously.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 390, introduced by Boylan, Daniels, Graham, E. Smith, Tveit, Conover, Lynch, Thoft, Ellerd, Brand. Referred to Committee on State Administration.

SB 391, introduced by Eck, Halligan, Van Valkenburg. Referred to Committee on Judiciary.

SB 392, introduced by Elliott, Gage, (By Request of the Board of Public Accountants). Referred to Committee on Business and Industry.

SB 393, introduced by Daniels. Referred to Committee on Judiciary.

SB 394, introduced by B. Brown, Halligan, Fuller, Christiaens, Berg, Turnage, Crippen, Mazurek, Curtiss, Kemmis, Keyser, Ramirez, D. Brown. Referred to Committee on Judiciary.

SB 395, introduced by E. Smith, Mazurek. Referred to Committee on Public Health, Welfare and Safety.

The following House bills were introduced, read first time, and referred to committees:

HB 196, introduced by Peck, Darko, Harp, J. Brown, (By Request of the Board of Public Education). Referred to Committee on Education and Cultural Resources.
HB 263, introduced by Ream, Brand, Van Valkenburg, Marbut, J. Hammond, Kadas, Veleber, J. Jensen, Marks, Norman. Referred to Committee on Natural Resources.
HB 295, introduced by Hemstad, (By Request of the Secretary of State). Referred to Committee on State Administration.
HB 300, introduced by Farris, Bachini, O'Connell, Bengtson, Connelly, J. Brown, Dozier, Hemstad, Darko, McCormick, Peck, Hansen, Keenan, J. Jensen, Nisbet, Howe, McBride, Hart, Metcalf, Ream, J. Hammond, Hand, Pistoria, R. Manning, Addy, Driscoll, Schye, Saunders, Koehnke, H. Hammond, Vincent, Waldron, Kadas, Nilson, Miller. Referred to Committee on Labor and Employment Relations.
HB 355, introduced by Sands, Ramirez, Addy, Spaeth, Yardley, (By Request of the Montana Supreme Court and the Montana Supreme Court Commission on the Rules of Evidence). Referred to Committee on Judiciary.
HB 399, introduced by Vinger, Dover, Underdal. Referred to Committee on Local Government.
HB 434, introduced by C. Smith, J. Hammond, Jones, Underdal, Lory, (By Request of the Department of Fish, Wildlife, and Parks). Referred to Committee on Fish and Game.
HB 461, introduced by Asay, (By Request of the Office of Superintendent of Public Instruction). Referred to Committee on Education and Cultural Resources.
HB 465, introduced by Hemstad, Gage, (By Request of the Montana Department of Insurance). Referred to Committee on Business and Industry.
HB 466, introduced by Eudaily, Lory. Referred to Committee on Taxation.
HB 480, introduced by Addy, (By Request of the Department of Commerce). Referred to Committee on Business and Industry.
HB 492, introduced by Dozier. Referred to Committee on Taxation.
HB 502, introduced by Pavlovich, Quilici. Referred to Committee on Judiciary.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly enrolled: SB 44, SB 58, SB 66.
Examined by the sponsor (Himsl) and found to be correct: SB 44.
Examined by the sponsor (Keating) and found to be correct: SB 66.
Examined by the sponsor (Story) and found to be correct: SB 58.
Signed by the President at 2:00 p.m., 2/10/83: SB 44, SB 58, SB 66.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Fuller in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 286 - That SB 286, being a Constitutional Amendment, pass the Senate pursuant to Rule 6-34. Motion carried as follows:

Ayes: Aklestad, Boylan, Brown, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lee, Marbut, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 30

Noes: Berg, Blaylock, Christiaens, Eck, Fuller, Haffey, Halligan, Himsl, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 19

Excused: None.
Total 0

Absent or not voting: D. Manning.
Total 1

HB 106 - That HB 106, third reading copy, be amended as follows:

1. Page 2, line 18.
Following: "authority."
Insert: "The total penalty shall not exceed $1000."

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Regan.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 106, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Mazurek, Towe.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 154 - That HB 154 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 155 - That HB 155 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 26 - That SB 26, second reading copy, be amended as follows:

1. Title, line 8.
Following: "Judges"
Strike: line 8 through "Judges" on line 9

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That SB 26, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 41

Noes: Elliott, Etchart, Goodover, Hammond, Ochsner, Smith.
Total 6

Excused: None.
Total 0

Absent or not voting: Kolstad, Lee, Mr. President.
Total 3

SB 170 - That consideration on SB 170 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 177 - That SB 177 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 248 - That consideration on SB 248 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 267 - That consideration on SB 267 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 284 - That SB 284 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Lynch, R. Manning, Marbut, Mohar, Norman, Ochsner, Severson, Stimatz, Story, Thomas, Mr. President.
Total 33

Noes: Lane, Regan, Shaw, Towe.
Total 4

Excused: None.
Total 0

Absent or not voting: Daniels, Galt, Graham, Keating, Kolstad, Lee, D. Manning, Mazurek, McCallum, Smith, Turnage, Tveit, Van Valkenburg.
Total 13

SB 290 - That SB 290 do pass. Motion failed as follows:

Ayes: Aklestad, Eck, Etchart, Gage, Galt, Hammond, Hazelbaker, Keating, Kolstad, Lane, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 21

Noes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Fuller, Goodover, Haffey, Hager, Halligan, Himsl, Jacobson, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 27

Excused: None.
Total 0

Absent or not voting: Graham, D. Manning.
Total 2

That SB 290 be indefinitely postponed. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Graham, Haffey, Hager, Halligan, Himsl, Jacobson, Keating, Lane, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Severson, Stimatz, Thomas, Towe, Van Valkenburg.
Total 32

Noes: Aklestad, Etchart, Galt, Goodover, Hammond, Hazelbaker, Kolstad, Lee, Marbut, McCallum, Ochsner, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 17

Excused: None.
Total 0

Absent or not voting: D. Manning.
Total 1

SB 304 - That SB 304 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 312 - That SB 312 do pass. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl,

Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Aklestad.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 326 - That SB 326, being a Constitutional Amendment, pass the Senate pursuant to Rule 6-34. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Eck, Elliott, Fuller, Gage, Graham, Haffey, Hager, Halligan, Hammond, Lane, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Thomas, Towe, Tveit, Van Valkenburg.
Total 29

Noes: Brown, Daniels, Dover, Etchart, Galt, Goodover, Hazelbaker, Himsl, Jacobson, Keating, Lee, Lynch, Shaw, Smith, Stimatz, Story, Turnage, Mr. President.
Total 18

Excused: None.
Total 0

Absent or not voting: Kolstad, D. Manning, Mohar.
Total 3

HB 95 - That HB 95 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 284 - That SB 284 be segregated from the Committee of the Whole report. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Fuller, Galt, Goodover, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, Norman, Regan, Shaw, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 35

Noes: Brown, Elliott, Etchart, Gage, Graham, Hammond, Marbut, McCallum, Ochsner, Severson, Smith, Story, Tveit.
Total 13

Excused: None.
Total 0

Absent or not voting: Kolstad, Mohar.
Total 2

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Fuller moved the adoption of the committee report, as amended. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 37 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Kolstad, Marbut, Mohar.
Total 3

SB 41 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Kolstad, Mohar.
Total 2

SB 47 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey,

Hager, Halligan, Hazelbaker, Himsl, Jacobson, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Boylan, Dover, Galt, Hammond, Keating.
Total 5

Excused: None.
Total 0

Absent or not voting: Kolstad, Mohar, Norman.
Total 3

SB 132 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Norman, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Boylan, McCallum, Ochsner, Shaw.
Total 4

Excused: None.
Total 0

Absent or not voting: Kolstad, Mohar.
Total 2

SB 168 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Kolstad, Mohar.
Total 2

SB 265 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Galt, Kolstad, McCallum, Mohar.
Total 4

HB 133 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Kolstad, Mohar.
Total 2

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Delivered to the Governor for his approval at 3:25 p.m., 2/10/83: SB 44, SB 58, SB 66.

JUDICIARY (Turnage, Chairman):
SB 352, do pass. Report adopted.
HB 53, third reading copy, be amended as follows:

1. Title, lines 8 and 9.
Strike: "AND AMENDING SECTION 27-1-312, MCA"
Insert: "COORDINATING THE REMEDY OF DAMAGES WITH OTHER REMEDIES"

2. Page 1, line 12.
Strike: "NEW SECTION."

3. Page 1, line 20.
Strike: "shall be"
Insert: "may be no more than"

4. Page 1, line 22.
Strike: ", up to an amount not exceeding"
Insert: ". However, damages may not exceed"

5. Page 2, line 3.
Strike: "defendant"
Insert: "drawer"

6. Page 2, line 9.
Strike: subsection 4 in its entirety

7. Page 2, line 12.
Strike: section 2 in its entirety
Insert: "Section 2. Coordination with other remedies. The remedy provided by [section 1]:

(1) may be pursued notwithstanding the provisions of 27-1-312;

(2) may be pursued whether or not a criminal penalty is sought under 45-6-316 or any other statute providing a criminal penalty; and

(3) does not affect the engagement of the drawer provided for in 30-3-413 to pay the amount of the draft. However, in case of any inconsistency between the provisions of Title 30, chapter 3, the provisions of [section 1] apply."

8. Page 2, line 18.
Strike: "NEW SECTION."

And, as amended, be concurred in. Report adopted.

HB 307, third reading copy, be amended as follows:

1. Title, line 7.
Following: "FACILITY"
Insert: "AND THE CRIME OF RIOT IN A CITY OR COUNTY JAIL"

2. Title, line 9.
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 1, line 23.
Following: "riot"
Insert: "by engaging in an act of violence"

4. Page 1, line 25.
Strike: "subject to imprisonment"
Insert: "imprisoned"

5. Page 2, line 16.
Strike: "OR CITY OR COUNTY JAIL"

6. Page 2, lines 16 and 17.
Strike: "subject to imprisonment"
Insert: "imprisoned"

7. Page 2.
Following: line 17
Insert: "Section 3. Effective date. This act is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

HB 369, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, Chairman):
SB 136, introduced bill, be amended as follows:

1. Title, line 6.
Following: "LABOR DISPUTE"
Insert: "ONLY"
Following: "THE DISPUTE"
Insert: "DOES NOT RESULT IN A WORK STOPPAGE AND"

2. Title, line 7.
Following: "WEEKS"
Insert: "OR THE DISPUTE RESULTS IN A WORK STOPPAGE THAT THE CLAIMANTS ARE NOT DIRECTLY INVOLVED IN"

3. Page 1, line 18.
Following: "dispute"
Insert: "that does not result in a work stoppage"

4. Page 1, lines 19 and 20.
Following: "employed"
Strike: ","
Insert: "."
Strike: remainder of line 19 through "if" on line 20
Insert: "(2) An individual shall be disqualified for benefits for any week of unemployment that is due to a labor dispute that results in a work stoppage at the factory, establishment, or other premises at which he is or was last employed unless"
Renumber: subsequent subsections

5. Page 2, line 2.
Following: "~~stoppage~~"
Strike: "labor dispute"
Insert: "stoppage"

And, as amended, do pass. Report adopted.

SB 152, introduced bill, be amended as follows:

1. Page 4, line 15.
Following: "effective"
Strike: "July"
Insert: "May"

And, as amended, do pass. Report adopted.

SB 210, introduced bill, be amended as follows:

1. Page 1, line 12.
Following: "1983,"
Strike: ".2%"
Insert: ".1%"

2. Page 1, line 13.
Following: "and"
Strike: ".1%"
Insert: ".05%"

And, as amended, do pass. Report adopted.

SB 215, do pass. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 314, do pass. Report adopted.
SB 320, do pass. Report adopted.
SB 324, introduced bill, be amended as follows:

1. Title, line 9.
Strike: "53-21-130,"

2. Page 13, lines 3 through 23.
Strike: section 13 in its entirety
Renumber: subsequent sections

3. Page 15, line 6.
Following: "However,"
Insert: "except as provided for in 53-21-130,"

And, as amended, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 324

An act to establish the Montana Youth Treatment Center, its location and functions, the creation of the necessary laws for commitment operation discharge to the Center, amending and repealing certain sections and providing an effective date.

Under Section 6 of the proposed bill, the Department of Institutions is granted appropriate rulemaking authority concerning the operation of the Montana Youth Treatment Center. A statement of intent is required for this bill because it grants rulemaking authority to the Department of Institutions for the purposes of admission, treatment, and discharge of youth committed to the Center. It is the intent of the legislature that the Department of Institutions under the Montana Administrative Procedures Act be given the authority to adopt rules setting the admission, treatment, transfer, and discharge requirements consistent with court commitment requirements to the new Children's Unit. It is contemplated that such rules, if adopted, will address the following:

a. The types and severity of psychiatric disturbance that may be appropriately treated at the Center;

b. The types and severity of behavioral problems that may be appropriately treated at the Center;

c. Procedures for admission to the Center that are consistent with the due process protection of the Mental Health Act;

d. Establishment of standards for treatment and care that are consistent with the Mental Health Act and currently recognized professional principles of therapy;

e. Procedures for discharge, transfer, or conditional release from the Center that consider the treatment needs of the youth and are consistent with the Mental Health Act.

The department shall consult with mental health professionals generally and mental health professionals in Billings, Montana, in specific in formulating these rules and procedures.

SB 338, do pass. Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House, on 2/10/83, acceded to the request of the Senate for the return of HB 245, introduced by Addy, et al., and is returning said bill to the Senate for further consideration.

MOTIONS

Senator Story moved that HB 73 be taken from the Committee on Highways and Transportation and that it be referred to the Committee on State Administration. Motion carried unanimously.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 5:27 p.m., until Friday, February 11, 1983, at the hour of 2:30 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTY-FIFTH LEGISLATIVE DAY

Helena, Montana
February 11, 1983

Senate Chambers
State Capitol

Senate convened at 2:30 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the thirty-fourth legislative day, find the same to be correct.

Tveit, Chairman

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 56 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Story.
Total 1

Excused: None.
Total 0

Absent or not voting: Hager, D. Manning, Marbut.
Total 3

SB 107 passed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Halligan, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Smith, Stimatz, Thomas, Towe, Van Valkenburg.
Total 34

Noes: Aklestad, Boylan, Brown, Elliott, Galt, Hammond, Himsl, Severson, Shaw, Story, Turnage, Tveit, Mr. President.
Total 13

Excused: None.
Total 0

Absent or not voting: Hager, D. Manning, Marbut.
Total 3

SB 144 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker,

Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Regan.
Total 1

Excused: None.
Total 0

Absent or not voting: D. Manning.
Total 1

SB 150 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Keating.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 154 passed as follows:

Ayes: Aklestad, Blaylock, Boylan, Crippen, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, D. Manning, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Tveit, Mr. President.
Total 27

Noes: Berg, Brown, Christiaens, Conover, Daniels, Fuller, Haffey, Halligan, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 22

Excused: None.
Total 0

Absent or not voting: Turnage.
Total 1

SB 182 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Conover, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, McCallum, Ochsner, Severson, Smith, Story, Thomas, Tveit.
Total 29

Noes: Brown, Christiaens, Crippen, Daniels, Fuller, Graham, Haffey, Halligan, Hazelbaker, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Shaw, Stimatz, Towe, Turnage, Van Valkenburg, Mr. President.

Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 200 passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Aklestad, Dover, Galt, Hager, Keating, Lee, Shaw.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 213 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Daniels, Fuller, Haffey, Jacobson, Lynch, R. Manning, Stimatz.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 232 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Stimatz, Turnage.
Total 2

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 270 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 46

Noes: Keating, Ochsner, Turnage, Mr. President.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 273 passed as follows:

Ayes: Aklestad, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, D. Manning, Marbut, Ochsner, Severson, Shaw, Smith, Story, Thomas, Tveit, Mr. President.
Total 25

Noes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, McCallum, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 23

Excused: None.
Total 0

Absent or not voting: Gage, Turnage.
Total 2

SB 311 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 46

Noes: Daniels, Eck, Regan, Van Valkenburg.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 134 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl,

Jacobson, Keating, Kolstad, Lane, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Gage, Lee, Lynch, R. Manning.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 136, SB 152, SB 210, SB 215, SB 237, SB 259, SB 314, SB 320, SB 324, SB 338, SB 345, SB 352.
Correctly engrossed: SB 26, SB 177, SB 286, SB 304, SB 312, SB 326.
Signed by the President at 11:15 a.m., 2/11/83: HB 63.

LOCAL GOVERNMENT (McCallum, Chairman):
SB 87, introduced bill, be amended as follows:

1. Title, line 4.
Following: "AN ACT"
Strike: remainder of line 4 through "YEARS" on line 9
Insert: "ALLOWING"

2. Title, line 10.
Following: "BODY"
Insert: "TO RANGE FROM 1 YEAR TO 3 YEARS"

3. Title, line 11.
Following: "AMENDING"
Strike: "SECTIONS 76-2-303, 76-3-605, AND"
Insert: "SECTION"

4. Page 1, line 14.
Strike: sections 1 and 2 in their entirety
Renumber: subsequent section

5. Page 3, line 11.
Following: "years"
Insert: "or less than 1 calendar year"

And, as amended, do pass. Report adopted.

SB 130, introduced bill, be amended as follows:

1. Page 1, line 23.
Following: "officials"
Insert: "or organizations representing local agencies or officials"

And, as amended, do pass. Report adopted.

SB 140, introduced bill, be amended as follows:

1. Title, line 7.

Following: "SECTIONS"
Strike: "76-3-504"
Insert: "75-6-112"

2. Title, line 8.
Following: the 2nd "THROUGH"
Strike: "76-4-125,"

3. Page 1.
Strike: section 1 in its entirety
Insert: "Section 1. Section 75-6-112, MCA, is amended to read:

"75-6-112. Prohibited acts. A person shall not:

(1) discharge sewage, drainage, industrial waste, or other wastes that will cause pollution of state waters used by a person for domestic use or as a source for a public water supply system or water or ice company;

(2) discharge sewage, drainage, industrial waste, or other waste into any state waters or on the banks of any state waters or into any abandoned or operating water well unless the sewage, drainage, industrial waste, or other waste is treated as prescribed by the board;

(3) build or operate any railroad, logging road, logging camp, or electric or manufacturing plant of any kind on any watershed of a public water supply system unless:

(a) the water supply is protected from pollution by sanitary precautions prescribed by the board; and

(b) a permit has been issued by the department after approval of detailed plans and specifications for sanitary precautions;

(4) construct, alter, or extend any system of water supply, water distribution, sewer, drainage, wastewater, or sewage disposal without first submitting necessary maps, plans, and specifications to the department <u>or appropriate reviewing authority certified by the department under 76-4-104</u> for its review and approval;

(5) operate or maintain any public water supply system which exceeds a maximum contaminant level established by the board unless he has been granted or has an application pending for a variance or exemption pursuant to this part.""
Renumber: subsequent sections

4. Page 3, line 20.
Following: line 19
Insert: "(5) "Registered sanitarian" means a person licensed to practice as a sanitarian under Title 37, chapter 40.

(6) "Registered professional engineer" means a person licensed to practice as a professional engineer under Title 37, chapter 67."
Renumber: subsequent subsections

5. Page 4, line 19.
Following: "<u>(1)</u>"
Strike: "<u>The</u>"
Insert: "<u>If</u> the governing body or bodies have been certified by the department as competent to review a subdivision of the number of units proposed, the"

6. Page 5, lines 7 through 9.

Following: "body"
Strike: "does not have a registered sanitarian on staff or on contract to perform the necessary review under this part"
Insert: "has not been certified by the department as competent to review a subdivision of the number of units proposed"

7. Page 5, line 16.
Following: "~~department~~"
Strike: "reviewing authority"
Insert: "department"

8. Page 5, line 19.
Following: "part."
Insert: "The department shall also establish and adopt standards and procedures for certifying a governing body as competent to review a subdivision of a specified number of units or to review specifications of construction, alteration, or extension of a water supply or wastewater system under subsection (4) of 75-6-112, or both."

9. Page 9, line 8.
Following: "sanitarian"
Insert: "or registered professional engineer"

10. Page 9, line 10.
Following: "sanitarian"
Insert: "or registered professional engineer"

11. Page 14.
Following: line 25
Insert: "Section 13. Section 76-4-126, MCA, is amended to read:

"76-4-126. Right to hearing. (1) Upon denial of approval of subdivision plans and specifications relating to environmental health facilities, the person who is aggrieved by such denial may request a hearing before the board.

(2) If denial of approval has been by the local governing body, the person who is aggrieved by such denial may request a hearing before the department.

(3) Such hearings will be held pursuant to the Montana Administrative Procedure Act.""
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 140

A statement of intent is required because this bill modifies existing rulemaking authority in sections 4 and 5. Section 4 will require the department of health and environmental sciences to make a new rule setting out how it will certify local governments as competent to review proposed subdivisions. Criteria for certification should be limited to the availability to the unit of registered sanitarians or registered professional engineers, either on staff or by contract. Qualifications should include registration with state licensing authorities and a reasonable amount of experience, not more than the department would require in hiring such persons to perform these duties on its staff. Contractual arrangements may be with other units of local government or with consultants having no conflicts of interest.

Section 4 also adds the words "or standards" after "rules". This is not intended to broaden authority or to affect the substance of present rules adopted by the department in ARM 16, chapter 16, except as the bill otherwise limits the application of these rules by the department to those subdivisions where the department retains reviewing authority.

Section 5 of the bill will require the department to amend ARM 16.16.804, Disposition of Fees, to reflect that the local government receives and keeps the entire fee when it is the reviewing authority, and that the department receives and keeps the entire fee, as provided in the new second sentence of 76-4-105, when it is the reviewing authority.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Kolstad, Vice-Chairman):

SB 238, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Boylan, Crippen, Daniels, Dover, Elliott, Etchart, Galt, Goodover, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, D. Manning, Marbut, Mazurek, Severson, Shaw, Smith, Story, Turnage, Mr. President.
Total 26

Noes: Berg, Blaylock, Christiaens, Conover, Eck, Fuller, Haffey, Jacobson, Lane, Lynch, R. Manning, McCallum, Mohar, Norman, Ochsner, Regan, Stimatz, Thomas, Towe, Tveit, Van Valkenburg.
Total 21

Excused: None.
Total 0

Absent or not voting: Brown, Gage, Graham.
Total 3

STATE ADMINISTRATION (Story, Chairman):

SB 327, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Blaylock, Boylan, Brown, Conover, Dover, Elliott, Etchart, Galt, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, D. Manning, R. Manning, Marbut, McCallum, Norman, Ochsner, Severson, Shaw, Story, Thomas, Turnage, Tveit, Van Valkenburg.
Total 27

Noes: Aklestad, Berg, Christiaens, Crippen, Daniels, Eck, Fuller, Gage, Goodover, Hammond, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, Mazurek, Mohar, Regan, Smith, Stimatz, Towe, Mr. President.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate bill concurred in and returned to the Senate: 2/10/83

SB 81, introduced by Lynch, et al.

House bills passed and transmitted to the Senate for concurrence: 2/10/83

HB 149, introduced by Seifert, et al.

HB 299, introduced by J. Brown

HB 313, introduced by Addy, et al.

HB 376, introduced by McBride, Waldron

HB 422, introduced by Peck

HB 428, introduced by Ellison, et al.

HB 504, introduced by Zabrocki, et al.

HB 512, introduced by McCormick, et al.

HB 519, introduced by Peck

HB 522, introduced by Hand, et al.

HB 523, introduced by Keyser, et al.

HB 574, introduced by Neuman

HB 576, introduced by Lory, et al.

HJR 11, introduced by Harrington

HJR 16, introduced by Menahan

MOTIONS

Senator Turnage moved that SB 170 be taken from second reading and that it be referred to the Committee on Judiciary. Motion carried unanimously.

Senator Lee moved that SB 322 be taken from the Committee on Business and Industry and that it be referred to the Committee on Local Government. Motion carried unanimously.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 396, introduced by Marbut, Towe, Galt, B. Brown, Dover, E. Smith, Lee. Referred to Committee on Natural Resources.
SB 397, introduced by Marbut. Referred to Committee on Local Government.
SB 398, introduced by Boylan, Fabrega, Quilici, Lee. Referred to Committee on Business and Industry.
SB 399, introduced by Fuller. Referred to Committee on Taxation.
SB 400, introduced by B. Brown, (By Request of the Governor's Office). Referred to Committee on Natural Resources.
SB 401, introduced by Boylan, Hager, Ramirez, Donaldson, Iverson. Referred to Committee on Agriculture, Livestock and Irrigation.

The following House bills were introduced, read first time, and referred to committees:

HB 149, introduced by Seifert, Turnage, Lee, Hemstad, Yardley, Vinger, R. Jensen, Harp, Ellerd, Stobie, Zabrocki, Thoft, Hannah, Schultz, Addy, Menahan, Farris, Ream, Nordtvedt, Swift. Referred to Committee on Judiciary.

HB 299, introduced by J. Brown, (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Public Health, Welfare and Safety.

HB 313, introduced by Addy, Kennerly, Bardanouve, Howe, (By Request of the Office of the Governor). Referred to Committee on State Administration.

HB 376, introduced by McBride, Waldron. Referred to Committee on Judiciary.

HB 422, introduced by Peck, Bachini, Farris, O'Connell, Bengtson, J. Hammond. Referred to Committee on Education and Cultural Resources.

HB 428, introduced by Ellison, Eudaily, Bertelsen, Schultz. Referred to Committee on Education and Cultural Resources.

HB 504, introduced by Zabrocki, Curtiss, Brand, Bachini, Jacobson, Vincent, Asay, Pavlovich, Bengtson, Quilici, Devlin, Menahan, Shontz, Turnage, Galt, Boylan, Jacobsen, Daniels, E. Smith, Hazelbaker, Pistoria, Ramirez, O'Connell, Connelly, Peck, Farris, Roush, Veleber, Kennerly, Holliday, Harrington, McCormick, Driscoll, Kadas, J. Hammond, McCallum, D. Brown, Dozier, Harp, B. Brown, Manuel, Addy, Schye, Hansen, Nilson, R. Manning, Stimatz, Lynch, Fuller, Hart, Norman, Waldron, Metcalf, Yardley, Vinger, Mohar, Haffey, Williams, Conover, Gage, Lee, Mazurek, Thomas, Towe, Howe, Koehnke, Lane. Referred to Committee on Highways and Transportation.

HB 512, introduced by McCormick, Dozier, Driscoll, Pavlovich, Harrington, Quilici, Daily, Menahan, J. Jensen, Nisbet, Addy, Schye, Pistoria, Farris, Saunders, Brand, McBride, Darko, O'Connell. Referred to Committee on Judiciary.

HB 519, introduced by Peck. Referred to Committee on Education and Cultural Resources.

HB 522, introduced by Hand, Bliss, Pistoria, O'Connell. Referred to Committee on State Administration.

HB 523, introduced by Keyser, Manuel, Hazelbaker, Van Valkenburg, (By Request of the Board of Crime Control). Referred to Committee on Business and Industry.

HB 574, introduced by Neuman. Referred to Committee on Highways and Transportation.

HB 576, introduced by Lory, Eudaily, Fagg, Ream, Donaldson, Hansen, Veleber. Referred to Committee on Business and Industry.

HJR 11, introduced by Harrington, Haffey, Pavlovich, Daily, Lynch, Connelly, Kennerly, Veleber, Zabrocki, Quilici, Menahan, D. Brown, Keenan, McBride, Jacobson, Stimatz, J. Brown, Daniels, Van Valkenburg, Brand, O'Connell, Hansen, Kadas, Roush, Bachini, Peck, Farris, Nilson, Koehnke. Referred to Committee on Business and Industry.

HJR 16, introduced by Menahan, Marks, Quilici, Hart, McCormick, Kennerly, Zabrocki, Roush, Harrington, Daily, Keenan, J. Jensen, Saunders, Metcalf, Veleber, Manuel, Driscoll, Dozier. Referred to Committee on Business and Industry.

Senate stood at ease at 2:57 p.m.

Senate resumed at 3:00 p.m.

SPECIAL ORDERS OF THE DAY

U.S. Senator Max Baucus was escorted into the Senate Chambers by Senators Hazelbaker and Blaylock. He then presented the following:

Speech by Senator Max Baucus
before the Montana State Legislature
February 11, 1983

Mr. President, Majority Leader Hazelbaker, Minority Leader Blaylock, members of the Senate, ladies and gentlemen, thank you for the opportunity to return to the Legislature today.

A full decade has passed since I took a seat as a newly elected member of the Montana Legislature. Some faces are no longer around. Some familiar faces that were fresh and new in 1973 show a little more wear and experience. And some faces, like the distinguished Speaker of the House, are even a bit fuzzier!

A Shared Legacy

Though the times have changed, and some faces are different, this Legislature continues to be a vivid reminder of our political roots — a reminder of what can be accomplished by a forward thinking, common sense approach to government.

We Montanans looked to the future and wrote an extraordinary new Constitution.

We save for the future with a Coal Tax Trust Fund.

We conserve for the future with strong environmental protection laws.

We build for the future with a solid economic development program.

These accomplishments are this Legislature's legacy — a source of pride in our State and a reminder of the potential of responsible government.

Our shared legacy, however, has a dark side which we remember all too well. Joseph Kinsey Howard captured that part of our legacy in his book Montana: High, Wide and Handsome.

The underlying theme of Howard's book is that too often Montana has not been the master of its destiny, but a helpless victim.

We know the litany well:

The Copper Kings suffocated competition and sucked the mineral wealth dry.

The railroads colonized their right-of-ways and then callously exploited the land and its people.

Wall Street lured farmers with easy money and then swallowed them up in hard times.

A Voice in Our Future

But the copper collar is broken. Today we are not silent partners in shaping our nation's future or our state's future. We insist on being active in building Montana and America. In 1980 Ronald Reagan promised Montanans that we would play a role in moving government in the right direction and restoring prosperity.

The President pledged to bring federal deficits under control.

The President outlined a "New Federalism" that would lead to a stronger role for state government.

And the administration proposed a "Good Neighbor Policy" to redefine the relationship between the federal government and Western states.

These were policies that we all hoped would benefit Montana and the rest of the country. Two years ago, in the spirit of cooperation, we decided to wait and see.

Well, we have waited and, sadly enough, we have seen.

Perhaps no federal policy has had a more devastating impact on Montana than this administration's economic program.

The 1981 tax cut provided some needed relief, but went way too far, and has certainly not brought prosperity to Montanans.

Just last night in Butte, I spoke to a woman with three young children whose husband is unemployed. I felt her panic. SHE knows it's gone too far.

I listened to Union leaders. The copper collar may be broken, but they still feel the pinch — THEY know this administration has gone too far.

In Billings at a Social Security forum, I could see the frustration in the eyes of the elderly, who are trying to just get by. THEY know this Administration's policies are not working.

Crippling interest rates and unprecedented deficits have depressed the housing industry and the auto industry and cut deeply into the heart of Montana's economy.

38,000 Montanans wait in line at employment offices. 38,000!

Ask any farmer who can't afford to buy a tractor, but can't afford to be without one.

Ask any logger who's spent more time recently indoors than outdoors.

Ask any carpenter whose hammer has been resting in his tool box.

Meanwhile, you in the Legislature have the unfortunate task of grappling with a federal budget so tight that cutbacks are the order of the day.

Once again Montanans are the victims of decisions made thousands of miles away.

The "Good Neighbor" Policy

As if the federal economic policy was not difficult enough, we also have had to deal with federal land policy. Uncle Sam is the largest landowner in the state. Our federally owned timber, coal and grazing land is vital to this state's future.

Because of our historic problems with the Federal Government, Secretary Watt's announcement of a "good neighbor" policy was as welcome as a rainstorm in a drought.

Uncle Sam has been anything but a "good neighbor".

But saying you are a good neighbor doesn't make you one. In fact, under Secretary Watt's leadership the federal government is acting more like an arrogant absentee landlord than a neighbor.

Let's look at a few examples.

Public Land Sales

The administration's "privatization" policy is the most blatant. With its eye on some 35 million acres of public lands for sale to private buyers.

Uncle Sam would collect some $17 million.

Sounds like one way to cut the deficit. Or is it?

Ranchers facing tripled grazing fees, if stripped of their leases on public rangelands, don't think so.

Hunters facing "No Trespassing" signs don't think so.

Landowners facing depressed values due to a glut on the real estate market don't think so.

Selling massive chunks of federal land is grossly shortsighted. Public resources that are critical to the future of Montana would be sold at rock-bottom prices to a handful of big corporations.

Montanans have seen that kind of greed before.

Energy Giveaway

The Powder River Basin coal sale is another example of the Good Neighbor Policy gone wrong.

Brushing aside the concerns of communities throughout eastern Montana and Wyoming, the Department of Interior held the largest coal lease sale ever on April 28, 1982.

The bidding was predictably low.

The average bid was only 3.5 cents a ton.

These bargain basement bids may have surprised the Department of Interior, but they didn't surprise us. With enough federal coal leased to last from now to the end of the century, Montanans could have predicted the results.

We always lose when speculators are allowed to play fast and loose with our natural resources.

Water Resources

The federal government, unfortunately, has been far less enthusiastic when it comes to water resource development.

The administration claims that in 1982, "we made great progress in ensuring proper investment and management of the West's water resources."

But the record tells a different story. For example, when the dust settled, the Water Resources Council had been put out of business, leaving state officials across the West wondering how to influence water management in the future.

Furthermore, the Administration has not sent Congress its promised cost-sharing proposal for investment in water projects.

The Sensitivity of a "Good Neighbor"

Talk is cheap. Criticism is easy. And reasonable people differ on such complicated public policy issues.

But much is at stake here. Secretary Watt has crossed an important line. He is violating our most basic western value: protecting our natural resources from wanton misuse.

We must end the folly of massive public land sales. I will introduce a resolution calling on the President to revoke his Executive Order on these sales.

I, for one, am prepared to absolutely resist recently introduced legislation that would rob Montana of its legitimate right to levy a reasonable coal severance tax.

In addition, we must resist the needlessly hostile and provocative attitude of Jim Watt toward Congress, conservationists and the public, and continue to make it clear to Jim Watt that he is not going to push the people of Montana around.

Conclusion

These are challenging times. And the opportunities are great.

We have met the challenges before. And if we work together with our shared passion for the state we love, we can do it today.

We will only achieve our goals if there is a partnership between states and the federal government. The Montana Legislature can lead the way.

I believe in the people of Montana and I know you do too.

Working together we can live up to the challenge and the trust they have placed in us.

Montana's Bud Guthrie believed in Montanans, — believed in you — and said it well:

> "Here in the Mountain West, space and nature shape us. Despite our differences, we are made a hopeful people, as the mountain men and the overland travelers and yesterday's homesteaders were hopeful. As the gold seekers and the mining magnates and the cattle kings were hopeful. Not always honest, mind you, not always capable or wise or successful, but almost always hopeful and hence astride of life."

Thank you.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Keating in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 248 - That SB 248, second reading copy, be amended as follows:

1. Page 3, line 20.
Strike: "suspended"
Insert: "dismissed"

2. Page 3, line 21.
Following: "~~(4)~~"
Strike: "(3)"
Insert: "(4)"

3. Page 4.
Following: line 2
Insert: "(3) If the court determines that the defendant lacks fitness to proceed because he is developmentally disabled as provided in 53-20-102(4), the proceeding against him shall be dismissed and the county attorney shall petition the court in the manner provided in chapter 20 of Title 53."
Renumber: subsequent subsections

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Crippen, Hammond, McCallum, Shaw.
Total 4

Excused: None.
Total 0

Absent or not voting: Turnage.
Total 1

That SB 248, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 47

Noes: Hammond, Van Valkenburg.
Total 2

Excused: None.
Total 0

Absent or not voting: Turnage.
Total 1

SB 267 - That SB 267 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 284 - That SB 284, second reading copy, be amended as follows:

1. Withdraw: Statement of Intent in its entirety

2. Page 3, line 18.
Strike: "THE FEE AND"

3. Page 3, lines 23 and 24.
Strike: "AND REQUIRES PAYMENT OF A SUBSTANTIAL FEE"

4. Page 3, line 25.
Strike: "AND PAY THE"

5. Page 7, line 1.
Strike: line 1 in its entirety
Renumber: subsequent subsection

6. Page 7, line 6.
Strike: "pay the fee and"

7. Page 7, line 20.
Strike: section 5 in its entirety
Renumber: subsequent sections

Amendment passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Eck, Graham, Haffey, Halligan, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Mazurek, Norman, Regan, Severson, Stimatz, Thomas, Towe, Turnage, Van Valkenburg.
Total 27

Noes: Aklestad, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Keating, Marbut, McCallum, Mohar, Ochsner, Shaw, Smith, Story, Tveit.
Total 20

Excused: None.
Total 0

Absent or not voting: Fuller, D. Manning, Mr. President.
Total 3

That SB 284, as amended, do pass. Motion failed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Haffey, Halligan, Jacobson, Lynch, R. Manning, Ochsner, Regan, Severson, Smith, Stimatz, Thomas, Towe.

Total 21

Noes: Aklestad, Crippen, Elliott, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Marbut, Mazurek, McCallum, Mohar, Norman, Shaw, Story, Turnage, Tveit, Van Valkenburg.
Total 24

Excused: None.
Total 0

Absent or not voting: Etchart, Fuller, Graham, D. Manning, Mr. President.
Total 5

That SB 284 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Elliott, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Severson, Shaw, Stimatz, Story, Turnage, Tveit, Van Valkenburg.
Total 36

Noes: Berg, Brown, Dover, Mohar, Regan, Smith, Towe.
Total 7

Excused: None.
Total 0

Absent or not voting: Eck, Etchart, Fuller, Graham, D. Manning, Thomas, Mr. President.
Total 7

SB 120 - That SB 120 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Boylan, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Turnage excused at 4:08 p.m.

SB 126 - That SB 126 do pass. Motion carried as follows:

Ayes: Aklestad, Brown, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 34

Noes: Berg, Blaylock, Christiaens, Conover, Eck, Fuller, Haffey, Jacobson, Lynch, Mohar, Regan, Stimatz, Towe.
Total 13

Excused: Turnage.
Total 1

Absent or not voting: Boylan, D. Manning.
Total 2

SB 138 - That SB 138 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Turnage.
Total 1

Absent or not voting: None.
Total 0

SB 206 - That SB 206 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Turnage.
Total 1

Absent or not voting: None.
Total 0

SB 207 - That SB 207 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Turnage.
Total 1

Absent or not voting: None.
Total 0

SB 221 - That SB 221 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Turnage.
Total 1

Absent or not voting: None.
Total 0

SB 269 - That SB 269 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Turnage.
Total 1

Absent or not voting: None.
Total 0

SB 346 - That SB 346, being a Constitutional Amendment, pass the Senate pursuant to Rule 6-34. Motion carried as follows:

Ayes: Aklestad, Dover, Eck, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Kolstad, Lee, Lynch, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Tveit, Mr. President.
Total 24

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Elliott, Fuller, Haffey, Halligan, Jacobson, Keating, Lane, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 24

Excused: Turnage.
Total 1

Absent or not voting: Boylan.

Total 1

SJR 1 - That the free conference committee report on SJR 1, without objection, be moved to the top of the board.

That the free conference committee report on SJR 1 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Turnage.
Total 1

Absent or not voting: None.
Total 0

HB 113 - That HB 113 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Turnage.
Total 1

Absent or not voting: None.
Total 0

HB 127 - That HB 127 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Turnage.
Total 1

Absent or not voting: None.

Total 0

HB 235 - That HB 235 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Turnage.
Total 1

Absent or not voting: None.
Total 0

HB 251 - That HB 251 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Turnage.
Total 1

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee-rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Keating moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

TAXATION (Goodover, Chairman):
SB 94, introduced bill, be amended as follows:

1. Title, line 5.
Following: "AN ACT TO"
Strike: "ELIMINATE"
Insert: "PHASE OUT"

2. Title, line 7.
Following: "DISTRICTS"
Insert: "OVER A 3-YEAR PERIOD"

3. Title, line 13.

Following: "20-9-351"
Strike: ","
Insert: "THROUGH"

4. Title, line 14.
Following: line 13
Strike: "AND"
Following: "MCA;"
Strike: "AND"

5. Title, line 15.
Following: "MCA"
Insert: "; AND PROVIDING AN EFFECTIVE DATE"

6. Page 27, line 5.
Following: "~~25~~"
Insert: "28 mills in fiscal year 1983-84, 31 mills in fiscal year 1984-85, and"
Following: "34 mills"
Insert: "in fiscal year 1985-86 and thereafter"

7. Page 27, line 19.
Following: "basic levy"
Strike: "of ~~25~~ 34 mills"
Insert: "prescribed by this section"

8. Page 29, line 8.
Following: "~~15~~"
Insert: "17 mills in fiscal year 1983-84, 19 mills in fiscal year 1984-85, and"
Following: "21 mills"
Insert: "in fiscal year 1985-86 and thereafter"

9. Page 29, line 22.
Following: "basic levy"
Strike: "of ~~15~~ 21 mills"
Insert: "prescribed by this section"

10. Page 32, line 24.
Following: line 23
Insert: "Section 18. Section 20-9-352, MCA, is amended to read:

"20-9-352. Permissive amount and permissive levy. (1) Whenever the trustees of any district shall deem it necessary to adopt a general fund budget in excess of the foundation program amount but not in excess of the maximum general fund budget amount for such district as established by the schedules in 20-9-316 through 20-9-321, the trustees shall adopt a resolution stating the reasons and purposes for exceeding the foundation program amount. Such excess above the foundation program amount shall be known as the "permissive amount", and it shall be financed by a levy on the taxable value of all taxable property within the district as prescribed in 20-9-141, supplemented with any biennial appropriation by the legislature for this purpose.

(2) The district levies to be set for the purpose of funding the permissive amount are determined as follows:

(a) For each elementary school district, the county commissioners shall annually set a levy not exceeding ~~9 mills~~ 6 mills in fiscal year 1983-84 and 3 mills in fiscal year 1984-85 on all the taxable property in the district for the purpose of funding the permissive amount of

the district. The permissive levy in mills shall be obtained by multiplying the ratio of the permissive amount to the maximum permissive amount by ~~9~~ 6 in fiscal year 1983-84 and 3 in fiscal year 1984-85 or by using the number of mills which would fund the permissive amount, whichever is less. If the amount of revenue raised by this levy is not sufficient to fund the permissive amount in full, the amount of the deficiency shall be paid to the district from the earmarked revenue fund according to the provisions of 20-9-351 and subsection (3) of this section.

(b) For each high school district, the county commissioners shall annually set a levy not exceeding ~~6~~ 4 mills in fiscal year 1983-84 and 2 mills in fiscal year 1984-85 on all taxable property in the district for the purpose of funding the permissive amount of the district. The permissive levy in mills shall be obtained by multiplying the ratio of the permissive levy to the maximum permissive amount by ~~6~~ 4 in fiscal year 1983-84 and 2 in fiscal year 1984-85 or by using the number of mills which would fund the permissive amount, whichever is less. If the amount of revenue raised by this levy is not sufficient to fund the permissive amount in full, the amount of the deficiency shall be paid to the district from the earmarked revenue fund according to the provisions of 20-9-351 and subsection (3) of this section. The superintendent of public instruction shall, if the appropriation by the legislature for the permissive account [program] for the biennium is insufficient, request the budget director to submit a request for a supplemental appropriation in the second year of the biennium.

(3) Such distribution shall be made in two payments. The first payment shall be made at the same time as the first distribution of state equalization aid is made after January 1 of the fiscal year. The second payment shall be made at the same time as the last payment of state equalization aid is made for the fiscal year. If the appropriation is not sufficient to finance the deficiencies of the districts as determined according to subsection (2), each district will receive the same percentage of its deficiency. Surplus revenue in the second year of the biennium may be used to reduce the appropriation required for the next succeeding biennium or may be transferred to the state equalization aid earmarked revenue fund if revenues in that fund are insufficient to meet foundation program requirements.""

Renumber: subsequent sections

11. Page 35, line 7.
Following: line 6
Insert: "Section 21. Effective date. (1) Except as provided in subsection (2), this act is effective on July 1, 1985.

(2) Sections 14, 15, and 18 are effective on passage and approval."

And, as amended, do pass. Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
HB 253, be concurred in. Report adopted.
SB 84, introduced bill, be amended as follows:

1. Title, line 6.
Following: "PAY"
Strike: "THE"
Insert: "CERTAIN"

2. Title, line 7.
Following: "EXPENSES"
Insert: ", AS DETERMINED BY THE PUBLIC SERVICE COMMISSION,"

3. Title, line 10.
Following: "SAME"
Insert: "REQUIRING THAT AN ESTIMATE OF THE COST BE GIVEN;"
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS 69-4-602 AND"

4. Page 2, line 12.
Following: "pay"
Strike: "all"
Insert: "some of the"

5. Page 2, line 17.
Following: line 16
Insert: "Section 1. Section 69-4-602, MCA, is amended to read:

"69-4-602. Procedure to give required notice. (1) The person, firm, or corporation moving any house, building, derrick, or other structure shall give the person, firm, or corporation owning or operating the wires or poles, at their principal office and their nearest office within the state, not less than 10 days' written notice of the proposed time and place of moving a structure. The owner of the wires or poles shall give the mover a written estimate of the cost of cutting, raising, or moving the wires or poles at least 3 days prior to the move.

(2) The person, firm, or corporation moving any house, building, derrick, or other structure shall give to the person, firm, or corporation owning or operating such wire or poles, at their nearest office and also at their principal office within the state, not less than 3 days' written notice of the time and place, when and where the removal of said poles or the cutting, raising, moving, or otherwise interfering with said poles or wires will be necessary.""
Renumber: subsequent sections

6. Page 2, line 24.
Following: "structure"
Strike: remainder of line 24 through "structure" on page 3, line 3

7. Page 3, line 4.
Following: line 3
Insert: "(2) The necessary and reasonable expense of raising or cutting the wires or of removing the poles for utilities subject to the jurisdiction of the public service commission must be fixed and determined by the public service commission on the average cost per line or pole for time and materials expended. These costs and expenses must be determined at a hearing to be held within 180 days of [the effective date of this act] and must be reviewed biennially.

(3) The rates and charges of rural cooperative electric utilities, rural cooperative telephone utilities, and other persons who occupy and use utility or cooperative poles may not exceed the charges established by the public service commission for utilities subject to its jurisdiction.

(4) The public service commission shall apportion the costs and expenses determined pursuant to subsections (2) and (3) as it determines proper."

Renumber: subsequent sections

8. Page 3, line 21.
Following: line 20
Insert: "Section 3. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

And, as amended, do pass. Report adopted.

HB 190, third reading copy, be amended as follows:

1. Title, line 5.
Following: "AUTHORIZING"
Strike: "PURCHASERS"
Insert: "WHOLESALE DISTRIBUTORS"

2. Page 1, line 21.
Following: "(2)"
Strike: "Sellers"
Insert: "Suppliers"

3. Page 1, line 21.
Following: line 20
Strike: "prospective purchasers"
Insert: "Montana Petroleum Wholesale Distributors"

4. Page 2, line 12.
Following: line 11
Insert: "(3) This section does not apply to the exchange or transfer of gasoline and distillates between refiners or transporters of petroleum or petroleum products."

And, as amended, be concurred in. Report adopted.

SB 250, do pass. Report adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 4:58 p.m., until Saturday, February 12, 1983, at the hour of 1:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTY-SIXTH LEGISLATIVE DAY

Helena, Montana
February 12, 1983

Senate Chambers
State Capitol

Senate convened at 1:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Elliott, Graham, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the thirty-fifth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 84, SB 87, SB 94, SB 130, SB 140, SB 250.
Correctly engrossed: SB 120, SB 126, SB 138, SB 206, SB 207, SB 221, SB 248, SB 267, SB 269, SB 346.
Signed by the President at 10:45 a.m., 2/12/83: HB 56, HB 72, HB 98, HB 132, HB 236.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman):
SB 358, introduced bill, be amended as follows:

1. Page 2, line 4.
Following: "America"
Strike: ","
Insert: "and"

2. Page 2, line 5.
Following: "Montana"
Strike: ", and"
Insert: "."

3. Page 2, lines 10 through 12.
Following: "~~America~~"
Strike: lines 10 through 12 in their entirety

And, as amended, do pass. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 243, be concurred in. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
SB 369, do pass. Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate bills concurred in and returned to the Senate: 2/11/83

SB 10, introduced by Lynch, et al.

SB 160, introduced by Kolstad, et al.

Senate amendments to House bill concurred in: 2/11/83

HB 91, introduced by Mueller, et al.

House bills passed and transmitted to the Senate for concurrence: 2/11/83

HB 84, introduced by Lory, Quilici

HB 182, introduced by Winslow, Bengtson

HB 266, introduced by Connelly, et al.

HB 319, introduced by Manuel

HB 320, introduced by Hammond

HB 345, introduced by Spaeth

HB 437, introduced by Neuman, et al.

HB 444, introduced by Swift, Mueller

HB 486, introduced by Spaeth, et al.

HB 488, introduced by Hemstad

HB 524, introduced by Darko, et al.

HB 528, introduced by Bengtson, et al.

HB 539, introduced by Smith, et al.

HB 545, introduced by Manuel, Menahan

HB 556, introduced by Asay, et al.

HB 559, introduced by Phillips

HB 629, introduced by D. Brown, et al.

House bills passed and transmitted to the Senate for concurrence: 2/12/83

HB 200, introduced by Ream, et al.

HB 318, introduced by Manuel

HB 357, introduced by Donaldson, et al.

HB 358, introduced by J. Brown, et al.

HB 406, introduced by C. Smith, et al.

HB 455, introduced by Driscoll, et al.

HB 483, introduced by Spaeth

HB 557, introduced by Sands

HB 567, introduced by Bertelsen, et al.

HB 571, introduced by Kitselman, et al.

HB 572, introduced by Kitselman, et al.

HB 578, introduced by Miller

HB 592, introduced by Kitselman, et al.

HB 615, introduced by Holliday, et al.

HB 616, introduced by Holliday, et al.

Free conference committee report adopted: 2/12/83

Free conference committee report on SJR 1

MOTIONS

Senator Norman moved that the Senate reconsider its action in adopting the adverse committee report on SB 238 and that it be printed and placed on second reading. Motion carried as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Graham, Haffey, Hager, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 29

Noes: Aklestad, Boylan, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hammond, Hazelbaker, Keating, Kolstad, Lee, Severson, Smith, Story, Tveit, Mr. President.
Total 18

Paired: Graham, Regan, Ayes; Aklestad, Elliott, Noes.

Excused: None.
Total 0

Absent or not voting: Himsl, Shaw, Turnage.
Total 3

Senator Norman moved that SB 238 be referred to the Committee on Agriculture, Livestock and Irrigation. Motion carried unanimously.

Senator Gage moved that the Senate reconsider its action in adopting the adverse committee report on SB 327 and that it be printed and placed on second reading. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Gage, Goodover, Graham, Hager, Halligan, Keating, Kolstad, Lane, Lee, D. Manning, R. Manning, Mazurek, Mohar, Ochsner, Shaw, Smith, Towe, Tveit, Mr. President.
Total 29

Noes: Brown, Elliott, Etchart, Fuller, Galt, Haffey, Hammond, Hazelbaker, Himsl, Lynch, Marbut, Norman, Regan, Severson, Stimatz, Story, Thomas, Van Valkenburg.
Total 18

Paired: Blaylock, Graham, Ayes; Elliott, Story, Noes.

Excused: None.
Total 0

Absent or not voting: Jacobson, McCallum, Turnage.
Total 3

Senator Marbut moved that consideration on HB 258 be passed. Motion carried unanimously.

Senator Van Valkenburg moved that temporary joint rule 6-7 be temporarily suspended in order to allow introduction of LC 2287 until 5:00 p.m. on Tuesday, February 15. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 46

Noes: Hazelbaker.
Total 1

Excused: Elliott, Graham.
Total 2

Absent or not voting: Aklestad.
Total 1

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 402, introduced by Mohar, Vincent, Hager, Towe, Ramirez, Nordtvedt, Sands, Halligan, Crippen, Jacobson, Addy, D. Brown, B. Brown. Referred to Committee on Highways and Transportation.
SB 403, introduced by Norman. Referred to Committee on Business and Industry.
SB 404, introduced by Stephens, Kolstad. Referred to Committee on Public Health, Welfare and Safety.
SB 405, introduced by Dover, Crippen, Hager, Gage, Shaw, Boylan, E. Smith, Hazelbaker, Keating, Fagg, Winslow, Sands, Thomas. Referred to Committee on Business and Industry.
SB 406, introduced by Gage. Referred to Committee on Natural Resources.
SB 407, introduced by Gage, Roush, Kennerly. Referred to Committee on Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 84, introduced by Lory, Quilici. Referred to Committee on Finance and Claims.
HB 182, introduced by Winslow, Bengtson, (By Request of the Board of Physical Therapy Examiners). Referred to Committee on Public Health, Welfare and Safety.
HB 200, introduced by Ream, D. Brown, Addy, Norman, Brand, J. Jensen, McBride, Jacobson, Keenan, Kadas, Eudaily, Waldron, Hansen, Darko, Lory, Metcalf, Donaldson, Mohar, Menahan, Daily, Hammond, Kemmis, Harrington, Hager, Halligan, Veleber, (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Public Health, Welfare and Safety.
HB 266, introduced by Connelly, Lybeck, J. Brown, Hand, B. Brown, Norman, Quilici, (By Request of the Department of Institutions). Referred to Committee on State Administration.
HB 318, introduced by Manuel. Referred to Committee on Local Government.
HB 319, introduced by Manuel. Referred to Committee on Local Government.
HB 320, introduced by J. Hammond, (By Request of the Department of Highways). Referred to Committee on Judiciary.
HB 345, introduced by Spaeth, (By Request of the Department of Fish, Wildlife, and Parks). Referred to Committee on Fish and Game.
HB 357, introduced by Donaldson, Mazurek, Metcalf, Ernst. Referred to Committee on Public Health, Welfare and Safety.

HB 358, introduced by J. Brown, Yardley, J. Jensen, Veleber, Addy. Referred to Committee on Business and Industry.

HB 406, introduced by C. Smith, Jones, Stobie, Elliott, Harp, Tveit, Underdal, Driscoll, Roush, Dozier, Williams, Seifert, (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.

HB 437, introduced by Neuman, Tveit, Asay, Kolstad, Shontz, Vinger, Jacobsen, Harp, Devlin, Lee, Bliss. Referred to Committee on Highways and Transportation.

HB 444, introduced by Swift, Mueller, (By Request of the Office of Superintendent of Public Instruction). Referred to Committee on Education and Cultural Resources.

HB 455, introduced by Driscoll, Hemstad, Dozier. Referred to Committee on Labor and Employment Relations.

HB 483, introduced by Spaeth. Referred to Committee on Local Government.

HB 486, introduced by Spaeth, Ellison, Holliday, Curtiss, Saunders, Tveit, (By Request of the Department of Natural Resources and Conservation). Referred to Committee on Agriculture, Livestock and Irrigation.

HB 488, introduced by Hemstad. Referred to Committee on Highways and Transportation.

HB 524, introduced by Darko, Christiaens, Berg, Halligan, R. Manning, Dozier, Bergene, Connelly, Bachini, O'Connell, J. Brown, (By Request of the Human Rights Commission). Referred to Committee on Judiciary.

HB 528, introduced by Bengtson, Bertelsen, Donaldson, McCallum. Referred to Committee on State Administration.

HB 539, introduced by C. Smith, Jones, Underdal, Stobie, Marks, Elliott, Ryan, Solberg, J. Hammond, R. Jensen, Vinger, Driscoll, Harp, Mueller, Connelly, Hand, Swift, Seifert, Fabrega, Severson, Lynch. Referred to Committee on Highways and Transportation.

HB 545, introduced by Manuel, Menahan. Referred to Committee on Agriculture, Livestock and Irrigation.

HB 556, introduced by Asay, Switzer, Iverson. Referred to Committee on Taxation.

HB 557, introduced by Sands, (By Request of the Secretary of State). Referred to Committee on State Administration.

HB 559, introduced by Phillips, (By Request of the Secretary of State). Referred to Committee on State Administration.

HB 567, introduced by Bertelsen, Ellison, Ream, Connelly. Referred to Committee on Fish and Game.

HB 571, introduced by Kitselman, Harper, Yardley. Referred to Committee on Business and Industry.

HB 572, introduced by Kitselman, Harper, Yardley. Referred to Committee on Business and Industry.

HB 578, introduced by Miller, (By Request of the Montana Insurance Department). Referred to Committee on Business and Industry.

HB 592, introduced by Kitselman, Harper, Yardley. Referred to Committee on Business and Industry.

HB 615, introduced by Holliday, Quilici, Marks, Asay, Galt. Referred to Committee on Natural Resources.

HB 616, introduced by Holliday, Abrams, Spaeth, Keating, Asay, Hanson. Referred to Committee on Judiciary.

HB 629, introduced by D. Brown, Addy, Keyser, Ramirez, (By Request of the House Judiciary Committee). Referred to Committee on Judiciary.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Daniels in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 237 - That SB 237 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Elliott, Graham.
Total 2

Absent or not voting: None.
Total 0

SB 259 - That SB 259, second reading copy, be amended as follows:

1. Title, line 7.
Following: "RULES"
Insert: "ADDING A PUBLIC MEMBER TO THE BOARD;"

2. Title, line 19.
Following: "2-8-103,"
Insert: "2-15-3102,"

3. Page 7, line 4.
Insert: "Section 3. Section 2-15-3102, MCA, is amended to read:

"2-15-3102. Board of livestock — composition. (1) There is a board of livestock.

(2) The board consists of ~~seven~~ eight members appointed by the governor with the consent of the senate. Each member shall be a resident of the state. ~~and an active livestock producer. A member~~

(3) Seven members shall be active livestock producers, each appointed upon the recommendation of the ~~related~~ industry in which he is a producer, and shall have the following qualifications:

(a) two are cattle producers, one from each congressional district within the state;

(b) two are cattle producers at large;

(c) one is a dairy producer representing the dairy and poultry industry;

(d) one is a swine producer; and

(e) one is a sheep producer.

(4) One member must be appointed who is not involved in cattle, swine, dairy, or sheep production.

~~(3)~~(5) An appointee is vested with all the powers and duties of his office before being confirmed by the senate, as are directors in 2-15-111(2).

~~(4)~~(6) The governor shall designate the chairman of the board.

~~(5)~~(7) A member shall serve for a term of 6 years.

~~(6)~~(8) Members of the board shall be reimbursed and compensated as are members of quasi-judicial boards in 2-15-124(7).""

Renumber: subsequent sections

Amendment failed as follows:

Ayes: Berg, Blaylock, Brown, Crippen, Eck, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 21

Noes: Aklestad, Boylan, Christiaens, Conover, Dover, Etchart, Fuller, Gage, Galt, Goodover, Hammond, Keating, Kolstad, Lane, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 26

Excused: Elliott, Graham.
Total 2

Absent or not voting: Daniels.
Total 1

That SB 259 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Elliott, Graham.
Total 2

Absent or not voting: None.
Total 0

SB 314 - That SB 314 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Elliott, Graham.
Total 2

Absent or not voting: None.
Total 0

SB 320 - That SB 320 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Elliott, Graham.
Total 2

Absent or not voting: None.
Total 0

SB 324 - That SB 324 do pass. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Etchart, Fuller, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Lane, R. Manning, Marbut, Mazurek, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Tveit, Mr. President.
Total 33

Noes: Aklestad, Gage, Haffey, Halligan, Jacobson, Kolstad, Lee, Lynch, Norman, Stimatz, Turnage, Van Valkenburg.
Total 12

Excused: Elliott, Graham.
Total 2

Absent or not voting: Daniels, D. Manning, McCallum.
Total 3

SB 338 - That consideration on SB 338 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Elliott, Graham.

Total 2

Absent or not voting: None.
Total 0

SB 345 - That consideration on SB 345 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Elliott, Graham.
Total 2

Absent or not voting: None.
Total 0

SB 352 - That SB 352 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Elliott, Graham.
Total 2

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Daniels moved the adoption of the committee report. Report adopted.

Senator Hazelbaker moved that the Senate stand in recess subject to the call of the Chair for the purpose of a Committee on State Administration meeting at 2:44 p.m.

Senate resumed at 3:01 p.m. Senator Hazelbaker requested a call of the Senate and requested sufficient seconds. Quorum present. Senate proceeded with business on second reading.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Daniels in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 27 - That HB 27 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Regan.
Total 1

Excused: Elliott, Graham.
Total 2

Absent or not voting: None.
Total 0

HB 165 - That HB 165 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Boylan.
Total 1

Excused: Elliott, Graham.
Total 2

Absent or not voting: None.
Total 0

HB 347 - That HB 347 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Elliott, Graham.
Total 2

Absent or not voting: None.
Total 0

HB 350 - That HB 350 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover,

Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Elliott, Graham.
Total 2

Absent or not voting: None.
Total 0

HB 53 - That HB 53 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Elliott, Graham.
Total 2

Absent or not voting: None.
Total 0

HB 307 - That HB 307 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Elliott, Graham.
Total 2

Absent or not voting: None.
Total 0

HB 369 - That HB 369 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith,

Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Elliott, Graham.
Total 2

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Daniels moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 26 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Fuller, Gage, Galt, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Boylan, Elliott, Etchart, Goodover, Mohar.
Total 5

Paired: Regan, Aye; Elliott, No.

Excused: Graham.
Total 1

Absent or not voting: Hammond.
Total 1

SB 177 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Elliott, Graham.
Total 2

Absent or not voting: None.
Total 0

SB 286, being a Constitutional Amendment requiring a two-thirds vote of the Legislature, was sent to the House with the following vote:

Ayes: Aklestad, Boylan, Brown, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lee, Marbut, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 28

Noes: Berg, Blaylock, Christiaens, Conover, Eck, Fuller, Haffey, Halligan, Himsl, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 20

Paired: Elliott, Aye; Regan, No.

Excused: Graham.
Total 1

Absent or not voting: D. Manning.
Total 1

SB 304 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Goodover, Lee, Shaw.
Total 3

Excused: Elliott, Graham.
Total 2

Absent or not voting: None.
Total 0

SB 312 passed as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Fuller, Gage, Galt, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 38

Noes: Aklestad, Boylan, Etchart, Goodover, Hammond, Lee, Mohar, Shaw, Smith.
Total 9

Excused: Elliott, Graham.
Total 2

Absent or not voting: Daniels.
Total 1

SB 326, being a Constitutional Amendment requiring a two-thirds vote of the Legislature, was sent to the House with the following vote:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Eck, Fuller, Gage, Haffey, Hager, Halligan, Keating, Lane, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Thomas, Towe, Tveit, Van Valkenburg.

Total 29

Noes: Aklestad, Brown, Daniels, Dover, Etchart, Galt, Goodover, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, Shaw, Stimatz, Story, Turnage, Mr. President.
Total 19

Excused: Elliott, Graham.
Total 2

Absent or not voting: None.
Total 0

HB 95 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Boylan, Shaw.
Total 2

Excused: Elliott, Graham.
Total 2

Absent or not voting: None.
Total 0

HB 106 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Mazurek, Shaw, Towe, Turnage.
Total 4

Excused: Elliott, Graham.
Total 2

Absent or not voting: None.
Total 0

HB 154 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Shaw.
Total 1

Excused: Elliott, Graham.

Total 2

Absent or not voting: Crippen.
Total 1

HB 155 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Shaw.
Total 1

Excused: Elliott, Graham.
Total 2

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SB 208, introduced bill, be amended as follows:

1. Title, line 7.
Following: "HOSPICE"
Strike: remainder of line 7 through "hospitals;"

2. Page 9, line 25.
Strike: section 3 in its entirety
Insert: "NEW SECTION. Section 3. Hospitals hospice programs — exemptions from separate licensure. A hospice program provided by a hospital need not be separately licensed if the department finds that such program meets the standards of section 2."

And, as amended, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 208

Section 2 authorizes the department of health and environmental sciences to adopt rules setting standards for hospice programs. It is anticipated that the department will draw on the Hospice Project Standards being formulated by the Joint Commission on Accreditation of Hospitals (JCAH), which cover hospice programs operated both with and without hospital affiliation. The JCAH standards expand on areas mentioned in section 2 (patient and family as unit, continuity of care, management and administration) and touch on additional areas when standards are contemplated (such as symptom management, medical records, and quality assurance). The department should bear in mind that many of the JCAH standards are optimum standards or goals and that these should not be promulgated as minimum standards. Where minimum standards or weighted averages exist, these should be taken into account.

The bill is not intended as a vehicle to qualify hospice programs for medicare reimbursement. Such program standards as the federal government may establish to qualify medicare providers are not to be considered a source of state licensing criteria, except as an alternative standard for programs which choose to pursue medicare reimbursement.

SB 289, introduced bill, be amended as follows:

1. Page 1, line 13.
Strike: "public or"

2. Page 2, line 5.
Following: "degree"
Insert: "in dietetics or related field"

And, as amended, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 289

A statement of intent is required for Senate Bill 289 because it gives the Department of Health and Environmental Sciences authority to:

(1) adopt academic, experience, and training requirements which must be met by anyone representing himself or herself as a dietitian or registered dietitian; and

(2) specify the independent agency or agencies whose endorsement of an individual as a dietitian or registered dietitian prior to October 1, 1983, is sufficient to bring that individual into compliance with the act; and which are qualified to set academic, experience, and training standards for dietitians, give qualifying examinations to registered dietitians, and establish continuing education requirements.

It is the intent of the Legislature that the American Dietetic Association and/or any equivalent professional organization will be designated the "authorized agency" called for by the act, and that the academic requirements, clinical experience, and continuing education requirements of the ADA Commission on Registration Standards will be adopted.

SB 349, do pass. Report adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 3:33 p.m., until Monday, February 14, 1983, at the hour of 2:30 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
February 14, 1983

Senate Chambers
State Capitol

Senate convened at 2:30 p.m., President Pro Tempore Kolstad presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the thirty-sixth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 208, SB 289, SB 327, SB 349, SB 358, SB 369.
Correctly engrossed: SB 237, SB 259, SB 314, SB 320, SB 324, SB 352.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully report as follows:

That the following attaches of the Senate be employed as of 8:00 a.m. on Monday, February 14, 1983:

Greg Boylan ..... Page
Gretchen Crippen ..... Page
Anne Dowling ..... Page
Lee Eames ..... Page
Elizabeth Elliott ..... Page
Loren Hawks ..... Page
David Masolo ..... Page
Nancy Sullivan ..... Page
David Thomas ..... Page

And that the following attaches of the Senate be terminated as of 5:00 p.m. on Saturday, February 12, 1983:

Rachel Rademacher ..... Page
Judi Allen ..... Page
Tracey Baldwin ..... Page
Tammy Clark ..... Page
Barbara Raths ..... Page
Mike Smith ..... Page
Kurt Llewellyn ..... Page
Mark Williams ..... Page
Joseph Lincoln ..... Page

Report adopted.

JUDICIARY (Crippen, Vice-Chairman):
SB 389, do pass. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 40, introduced bill, be amended as follows:

1. Title, line 7.
Strike: "SECTIONS 2-4-305 AND"

Insert: "SECTION"

2. Page 1, line 18.
Strike: "The"
Insert: "As an alternative, the"

3. Page 1, line 19.
Strike: "also"

4. Page 3, lines 6 through 15.
Following: "rule"
Strike: remainder of line 6 through "agency" on line 15

5. Page 3, line 18.
Strike: "and with the governor"

6. Page 4.
Following: line 3
Insert: "(3) If it is impossible to formulate such an estimate, the reasons for impossibility of formulation must be filed and published instead of the economic impact statement."
Renumber: subsequent sections

7. Page 4, line 9 through page 5, line 8.
Following: "section."
Strike: remainder of section 1

8. Page 5, line 9.
Strike: section 2 in its entirety

And, as amended, do pass. Report adopted.

SB 166, do pass. Report adopted.
SB 171, do pass. Report adopted.
SB 339, introduced bill, be amended as follows:

1. Title, line 6.
Following: "OFFICIALS;"
Insert: "AMENDING SECTION 5-7-101, MCA;"

2. Page 1.
Following: line 8
Insert: "Section 1. Section 5-7-101, MCA, is amended to read:

"5-7-101. Purposes of chapter — applicability. (1) The purposes of this chapter are to promote a high standard of ethics in the practice of lobbying, to prevent unfair and unethical lobbying practices, to provide for the licensing of lobbyists and the suspension or revocation of the licenses, ~~to require elected officials to make public their business interests,~~ and to require disclosure of the amounts of money spent for lobbying.

(2) Nothing in this chapter subjects any Montana citizen lobbying on his own behalf to any reporting requirements nor deprives any such citizen of the constitutional right to communicate with public officials.""
Renumber: subsequent section

And, as amended, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 254, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Boylan, Brown, Christiaens, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lane, Lee, D. Manning, Marbut, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 28

Noes: Berg, Blaylock, Conover, Crippen, Dover, Eck, Elliott, Haffey, Halligan, Himsl, Jacobson, Lynch, R. Manning, Mazurek, Mohar, Regan, Stimatz, Thomas, Towe.
Total 19

Excused: None.
Total 0

Absent or not voting: Daniels, Fuller, Van Valkenburg.
Total 3

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

February 14, 1983

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 44, 58, 66.

Sincerely,

Ted Schwinden
Governor

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 408, introduced by H. Hammond, Devlin, Schye. Referred to Committee on Taxation.
SB 409, introduced by Berg, Halligan, Turnage, Crippen, (By Request of the Department of Justice). Referred to Committee on Judiciary.
SB 410, introduced by Halligan. Referred to Committee on Public Health, Welfare and Safety.
SB 411, introduced by Eck, D. Brown. Referred to Committee on Taxation.
SB 412, introduced by Lynch, Waldron, Van Valkenburg, Stimatz, Jacobson. Referred to Committee on Local Government.
SJR 13, introduced by Eck, Winslow, Vincent, Regan. Referred to Committee on Legislative Administration.
SJR 14, introduced by Norman. Referred to Committee on Finance and Claims.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Story in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 338 - That SB 338 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Kolstad, Lane, Lee, Lynch, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 39

Noes: Blaylock, Christiaens, Eck, Fuller, Haffey, Himsl, R. Manning, Regan.
Total 8

Excused: None.
Total 0

Absent or not voting: Keating, D. Manning, Smith.
Total 3

SB 345 - That SB 345 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 258 - That HB 258 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 84 - That SB 84, second reading copy, be amended as follows:

1. Title, line 13.
Following: "PAY"
Insert: "50 PERCENT OF THE"
Strike: "CERTAIN"

2. Page 2, line 6.
Following: "the"
Insert: "total"

3. Page 2, line 16.
Strike: "paid"
Insert: "shared equally"

4. Page 2, line 17.
Strike: "rather than"
Insert: "and"

5. Page 2, line 22.
Strike: "SOME"
Insert: "50%"

6. Page 4, line 16.
Following: "."
Insert: "The necessary and reasonable expense of raising or cutting the wires or of removing the poles shall be shared equally by the person, firm, or corporation owning the structure and the person, firm, or corporation owning or operating the wires, cables, or poles required to be moved."

7. Page 4, line 22.
Following: "."
Insert: "The charges assessed by such utilities shall be apportioned as in subsection (2)."

8. Page 4, line 23.
Strike: subsection (4) in its entirety
Renumber: subsequent subsection

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That SB 84, second reading copy, be further amended as follows:

1. Title, line 14.
Strike: ", AS DETERMINED BY THE PUBLIC SERVICE COMMISSION,"

2. Page 2, line 6.
Strike: lines 6 through 10 in their entirety

3. Page 2, line 13.
Following: line 12
Insert: "a portion of"

4. Page 4, line 10.
Following: "POLES"
Strike: remainder of line 10 through "BIENNIALLY," on line 16
Insert: "shall be apportioned as follows: for wires higher than twenty six feet, the owners of the structures shall pay all such expenses; for wires twenty six feet high or lower, the owners of the wires shall pay all such expenses"

5. Page 4, line 17.
Strike: subsection 3 in its entirety

6. Page 4, line 23.
Strike: subsection 4 in its entirety
Renumber: subsequent subsections

Amendment failed as follows:

Ayes: Boylan, Fuller, Gage, Hammond, Himsl, Kolstad, Lee, R. Manning, Severson, Towe.
Total 10

Noes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Keating, Lane, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 38

Excused: None.
Total 0

Absent or not voting: Galt, Shaw.
Total 2

That consideration on SB 84 be passed. Motion failed as follows:

Ayes: Boylan, Kolstad, Lee, Ochsner, Severson.
Total 5

Noes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lane, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 40

Excused: None.
Total 0

Absent or not voting: Daniels, Galt, Lynch, D. Manning, Shaw.
Total 5

That SB 84, without objection, be moved below SB 130.

SB 87 - That SB 87 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 130 - That SB 130 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 84 - That SB 84, second reading copy, be further amended as follows:

1. Page 4, line 22.
Following: "(2)"
Insert: "Prefab structure owners will pay all cost of moving prefab structures."

Amendment passed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Fuller, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Severson, Shaw, Stimatz, Towe, Turnage, Tveit, Mr. President.
Total 32

Noes: Aklestad, Boylan, Etchart, Gage, Galt, Keating, Kolstad, Lee, McCallum, Ochsner, Smith, Story, Thomas, Van Valkenburg.
Total 14

Excused: None.
Total 0

Absent or not voting: Brown, Daniels, D. Manning, Marbut.
Total 4

That SB 84, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Boylan, Gage, Lee, Severson.
Total 4

Excused: None.
Total 0

Absent or not voting: Daniels, D. Manning, Marbut.
Total 3

SB 136 - That SB 136 do pass. Motion failed as follows:

Ayes: Aklestad, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Ochsner, Severson, Shaw, Smith, Story, Tveit, Mr. President.
Total 21

Noes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Eck, Fuller, Gage, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 27

Excused: None.
Total 0

Absent or not voting: Lee, Turnage.
Total 2

That SB 136 be indefinitely postponed. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Fuller, Gage, Haffey, Halligan, Himsl, Jacobson, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Stimatz, Thomas, Towe, Turnage, Van Valkenburg.
Total 33

Noes: Aklestad, Dover, Etchart, Galt, Goodover, Hager, Hammond, Hazelbaker, Keating, Kolstad, Ochsner, Smith, Story, Tveit, Mr. President.
Total 15

Excused: None.
Total 0

Absent or not voting: Graham, Lee.
Total 2

Senator Etchart in the Chair.

SB 140 - That SB 140 do pass. Motion carried as follows:

Ayes: Aklestad, Boylan, Brown, Conover, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek,

McCallum, Ochsner, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit.
Total 33

Noes: Berg, Blaylock, Christiaens, Daniels, Eck, Fuller, Haffey, Halligan, R. Manning, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 15

Excused: None.
Total 0

Absent or not voting: Graham, Mr. President.
Total 2

Senator Story in the Chair.

SB 152 - That SB 152 do pass. Motion failed as follows:

Ayes: Aklestad, Dover, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Ochsner, Severson, Shaw, Smith, Tveit, Mr. President.
Total 18

Noes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Fuller, Haffey, Halligan, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Turnage, Van Valkenburg.
Total 31

Excused: None.
Total 0

Absent or not voting: Story.
Total 1

That SB 152 be indefinitely postponed. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Fuller, Goodover, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 32

Noes: Aklestad, Dover, Etchart, Gage, Galt, Hager, Hammond, Hazelbaker, Himsl, Keating, Lee, Ochsner, Shaw, Smith, Tveit, Mr. President.
Total 16

Excused: None.
Total 0

Absent or not voting: Graham, Kolstad.
Total 2

SB 210 - That SB 210 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan,

Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 215 - That SB 215 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Himsl, Kolstad, Lane, Lee, D. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe.
Total 37

Noes: Haffey, Jacobson, Lynch, R. Manning, Stimatz.
Total 5

Excused: None.
Total 0

Absent or not voting: Boylan, Crippen, Keating, Marbut, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 8

SB 250 - That SB 250 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. President Pro Tempore Kolstad in the Chair. Chairman Story moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 120 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover,

Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Dover, Turnage.
Total 2

SB 126 passed as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Blaylock, Eck, Fuller, Jacobson, Lynch, Mohar, Regan, Towe.
Total 8

Excused: None.
Total 0

Absent or not voting: Dover.
Total 1

SB 138 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Dover.
Total 1

SB 206 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Dover, Lee.
Total 2

SB 207 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Dover.
Total 1

SB 221 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Dover.
Total 1

SB 248 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 48

Noes: Van Valkenburg.
Total 1

Excused: None.
Total 0

Absent or not voting: Dover.
Total 1

SB 267 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Daniels, Haffey, Jacobson, Lynch, Stimatz.
Total 5

Excused: None.
Total 0

Absent or not voting: Dover.
Total 1

SB 269 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Dover.
Total 1

SB 346, being a Constitutional Amendment requiring a two-thirds vote of the Legislature, was sent to the House with the following vote:

Ayes: Aklestad, Boylan, Crippen, Dover, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Lynch, Marbut, McCallum, Ochsner, Severson, Smith, Story, Turnage, Tveit, Mr. President.
Total 26

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Daniels, Eck, Elliott, Fuller, Haffey, Halligan, Jacobson, Lane, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Shaw, Stimatz, Thomas, Towe, Van Valkenburg.
Total 24

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 113 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 127 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 235 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 251 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly enrolled: SB 81.
Examined by the sponsor (Lynch) and found to be correct: SB 81.
Signed by the President at 3:50 p.m., 2/14/83: SB 81.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
SB 295, introduced bill, be amended as follows:

1. Page 1, line 22.
Following: "the"
Strike: "improvement district"
Insert: "sinking"

2. Page 2, line 9.
Following: "fund"
Strike: "as provided in 7-12-2175"
Insert: "from which the proceeds were withdrawn"

3. Page 2, line 19.
Following: "the"
Strike: remainder of line 19 through "district" on line 20
Insert: "sinking"

4. Page 3, line 7.
Following: "fund"
Strike: "as provided in 7-12-4207"
Insert: "from which the proceeds were withdrawn"

And, as amended, do pass. Report adopted.

SB 353, do pass. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
SB 291, do pass. Report adopted.
SB 294, do pass. Report adopted.
SB 340, do pass. Report adopted.
SB 350, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 350

A statement of intent is required for this bill because it delegates rulemaking authority to the Board of Oil and Gas Conservation in section 1.

The intent is to provide the Board with the authority to adopt rules to identify geophysical exploration crews operating in this state and to designate areas where geophysical exploration may not be allowed. These powers are desirable so that landowners can readily identify the seismic crews operating on their land and to allow the Board to prohibit seismic shots in sensitive areas such as near wells and structures.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):

SB 266, introduced bill, be amended as follows:

1. Page 1, line 17.
Following: "72-17-202"
Insert: "(1)(a) or (b)"

2. Page 1.
Following: line 19
Insert: "(3) "Department" means the department of health and environmental sciences provided for in Title 2, chapter 15, part 21."
Renumber: subsequent subsections

3. Page 1.
Following: line 21
Insert: "(5) "Eyebank Association of America" means the organization nationally recognized by that name with headquarters in Houston, Texas, that surveys banks or storage facilities for the storage of eye tissue upon their requests and grants membership and certification status to any such bank or storage facility that it finds meets its standards and requirements."
Renumber: subsequent subsections

4. Page 2, line 20.
Following: "has"
Insert: "satisfactorily"

5. Page 3, line 8.
Following: "facility"
Insert: "licensed, accredited, or approved under the laws of any state"

6. Page 4.
Following: line 9
Insert: "NEW SECTION. Section 4. Approval of eye banks. Any bank or storage facility that furnishes to the department written evidence of its membership and certification and reports and recommendations for future compliance, granted by the Eyebank Association of America, is approved for receipt and storage of eye tissue for the term of such membership and certification, and is eligible during such term to be a donee of eye tissue pursuant to 72-17-202(1)(c)."
Renumber: subsequent section

7. Page 4, line 11.
Following: line 10
Strike: "Section 3 is"
Insert: "Sections 3 and 4 are"

8. Page 4, line 13.

Following: "to"
Strike: "section 3"
Insert: "sections 3 and 4"

And, as amended, do pass. Report adopted.

SB 298, do pass. Report adopted.
SJR 10, do pass. Report adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 5:04 p.m., until Tuesday, February 15, 1983, at the hour of 2:30 p.m.

ALLEN C. KOLSTAD
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
February 15, 1983

Senate Chambers
State Capitol

Senate convened at 2:30 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except D. Manning, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the thirty-seventh legislative day, find the same to be correct.

Tveit, Chairman

COMMUNICATIONS AND PETITIONS

STATE OF MONTANA
PROCLAMATION

WHEREAS, the students of the Montana University System represent a major resource to the future of the state; and

WHEREAS, a strong university system benefits all of the citizens of the state; and

WHEREAS, the actions of the state's Legislature directly affect the students of the state's colleges and universities; and

WHEREAS, participation in the actions of government is the basis of the American democratic system; and

WHEREAS, the students of the Montana University System would like an opportunity to express their concerns to the legislators of the state.

NOW, THEREFORE, I, TED SCHWINDEN, Governor of the State of Montana, do hereby proclaim February 15, 1983, as

OFFICIAL STUDENT LOBBY DAY

in Montana.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the GREAT SEAL OF THE STATE OF MONTANA to be affixed. DONE at the City of Helena, the Capital, this seventh day of February, in the year of our LORD, one thousand and nine hundred and eighty-three.

TED SCHWINDEN
Governor of Montana

ATTEST

JIM WALTERMIRE
Secretary of State

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 40, SB 166, SB 171, SB 266, SB 291, SB 294, SB 295, SB 298, SB 339, SB 340, SB 350, SB 353, SB 389, SJR 10.

Correctly engrossed: SB 84, SB 87, SB 130, SB 140, SB 210, SB 215, SB 250, SB 338, SB 345.
Delivered to the Governor for his approval at 9:30 a.m., 2/15/83: SB 81.

JUDICIARY (Turnage, Chairman):
SB 371, do pass. Report adopted.
SB 373, do pass. Report adopted.
SB 381, introduced bill, be amended as follows:

1. Page 1, line 13.
Strike: "one or both grandparents"
Insert: "a grandparent"

And, as amended, do pass. Report adopted.

SB 386, do pass. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
SB 275, introduced bill, be amended as follows:

1. Page 4, line 16.
Strike: "proposed construction of"
Insert: "the acceptance of the application under 75-20-216 (a) for"

2. Page 9, line 11.
Insert: "(iii) a statement explaining the need for the facility, if a utility;"
Renumber: subsequent subsections

3. Page 13, line 21.
Following: "million"
Insert: "up to $1 billion"

4. Page 21, line 19.
Strike: "all or a portion of"

5. Page 29, line 12.
Following: "facility"
Insert: ", if a utility,"

And, as amended, do pass. Report adopted.

SB 283, introduced bill, be amended as follows:

1. Title, line 8.
Following: "MCA"
Strike: "."
Insert: "; AND PROVIDING AN APPLICABILITY DATE."

2. Page 4, line 7.
Following: "equal to"
Strike: "60%"
Insert: "20%"

3. Page 4, line 9.
Following: "31."
Insert: "If the solar energy system is owned by more than one person or corporation, no more than an aggregate of 20% of the eligible costs may be claimed as a credit by all owners of the solar energy system."

4. Page 4, line 20.
Following: "costs."

Insert: "However, if a credit is claimed for energy conservation measures under [this act], it may not also be claimed under Title 15, chapter 32, part 1."

5. Page 5, line 16.
Following: "exceed"
Strike: "$3,000"
Insert: "$1,000"

6. Page 6, line 21.
Following: "owner-developer"
Insert: "If the owner-developer elects to forego the credit provided for in [section 3], but claims a federal energy tax credit for the solar energy system, the purchaser must reduce the state tax credit provided in [section 3] so that the effective credit for any taxable year does not exceed 20% of eligible costs."

7. Page 7, lines 9 through 14.
Strike: section 11 in its entirety
Insert: "Section 11. Rulemaking. The department of revenue is authorized to make such rules and to require such facts and information to be reported as it may deem necessary to enforce the provisions of this act. The department of revenue may request technical advice from other departments when developing rules under this act."

8. Page 7.
Following: line 16
Insert: "Section 13. Applicability date. This act applies to taxable years beginning after December 31, 1982, and ending December 31, 1986."

And, as amended, do pass. Report adopted.

SB 356, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 356

It is the intent of this bill to allow the Department of Natural Resources to provide grants for projects concerned with energy conservation. The grant of rulemaking authority includes the power to establish criteria to be used in determining when a grant should be granted under the limitations of this act.

HB 214, be concurred in. Report adopted.
HB 287, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SB 214, introduced bill, be amended as follows:

1. Title, lines 6 and 7.
Following: "DEPARTMENT OF INSTITUTIONS"
Strike: "AND THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES"

2. Title, line 8.
Strike: "DEPARTMENTS"
Insert: "DEPARTMENT"

3. Page 3, line 1.

Strike: "and the department of social and rehabilitation services"

4. Page 4, lines 15 through 16.
Following: "The department"
Strike: "and the department of social and rehabilitation services"

5. Page 4, lines 18 and 19.
Following: "The department"
Strike: "and the department of social and rehabilitation services"

And, as amended, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 214

The Department of Institutions is requesting legislation that will give it rulemaking authority for the certification of professional persons in the mental health field. The Department of Institutions is requesting that it be given authority to adopt rules imposing requirements on who shall be considered a professional person in the field of mental health. The Department is required to adopt such rules and it is contemplated that they should address the following:

a. the types of education that an individual has received, including degrees; and

b. the type of experience or training that he has received that may qualify him for a professional person; and

c. the type of continuing education or training or instruction that may be necessary to maintain such certification; and

d. the standards for waiver of requirements for specific reasons, if any; and

e. methods of monitoring compliance and maintaining it; and

f. specific due process procedures for the revocation of certification.

SB 271, as amended, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, McCallum, Mohar, Norman, Ochsner, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 43

Noes: Mazurek, Regan.
Total 2

Excused: D. Manning.
Total 1

Absent or not voting: Graham, Severson, Stimatz, Van Valkenburg.
Total 4

SB 395, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Boylan, Brown, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Marbut, McCallum, Ochsner, Shaw, Story, Tveit, Van Valkenburg, Mr. President.
Total 29

Noes: Berg, Blaylock, Christiaens, Eck, Fuller, Haffey, Jacobson, Lee, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Smith, Stimatz, Thomas, Towe.
Total 18

Excused: D. Manning.
Total 1

Absent or not voting: Severson, Turnage.
Total 2

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 2/14/83

HB 9, introduced by Waldron, et al.

HB 59, introduced by Harper

HB 268, introduced by McBride, Jacobson

HB 507, introduced by Hannah, Fagg

HB 509, introduced by Asay, Spaeth

HB 546, introduced by Waldron

HB 547, introduced by Hand, et al.

Senate amendments to House bill concurred in: 2/14/83

HB 133, introduced by Williams

MOTIONS

Senator Dover moved that SB 405 be taken from the Committee on Business and Industry and that it be referred to the Committee on State Administration. Motion carried unanimously.

Senator Smith moved that the Senate reconsider its action in adopting the adverse committee report on SB 395. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: Fuller, Hazelbaker, Marbut.
Total 3

Senator Smith moved that SB 395 be referred to the Committee on Public Health, Welfare and Safety. Motion carried unanimously.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 413, introduced by Gage. Referred to Committee on Taxation.

SB 414, introduced by Elliott, Hager, Crippen, Towe, Halligan. Referred to Committee on Taxation.

SB 415, introduced by Conover, Graham, Boylan. Referred to Committee on Agriculture, Livestock and Irrigation.

SB 416, introduced by Ochsner, Conover, Brand, Eck, McCallum, Blaylock, Driscoll, D. Manning, Asay, Zabrocki. Referred to Committee on Natural Resources.

SB 417, introduced by Towe, Eck, Blaylock, Halligan, Hager, Marbut. Referred to Committee on Taxation.

SB 418, introduced by Jacobson, Regan, Turnage, Keenan, Lynch, Waldron. Referred to Committee on Public Health, Welfare and Safety.

SB 419, introduced by Towe, Boylan, Kolstad, Blaylock, Mohar, Van Valkenburg, Berg, Fuller, Christiaens, R. Manning, Lane, Hager, B. Brown, Dover. Referred to Committee on Business and Industry.

SB 420, introduced by Thomas, Christiaens. Referred to Committee on Business and Industry.

SB 421, introduced by Daniels. Referred to Committee on State Administration.

SB 422, introduced by Halligan. Referred to Committee on State Administration.

SB 423, introduced by Turnage, B. Brown, Kolstad, (By Request of the Senate Business and Industry Committee). Referred to Committee on Business and Industry.

SB 424, introduced by Dover, Lee, Goodover, Shaw. Referred to Committee on Judiciary.

SB 425, introduced by Regan, Eck, Jacobson, Farris, Connelly, McBride, Bengtson, J. Brown, O'Connell, Curtiss, Howe, Holliday, Darko, Hemstad, Keenan, Hansen, Hart. Referred to Committee on Labor and Employment Relations.

SB 426, introduced by Story. Referred to Committee on State Administration.

SB 427, introduced by Marbut, Marks, Dover, Turnage, B. Brown, Aklestad, Towe, Nordtvedt, Regan, Story, Menahan. Referred to Committee on Judiciary.

SB 428, introduced by Etchart. Referred to Committee on Local Government.

SB 429, introduced by R. Manning, Brand, Menahan, Halligan. Referred to Committee on State Administration.

SB 430, introduced by Halligan, B. Brown, Berg, Holliday, Lee, Iverson, (By Request of the Environmental Quality Council). Referred to Committee on Natural Resources.

SJR 15, introduced by Turnage, B. Brown, Galt, Shaw, Crippen, Hazelbaker, Mazurek, Berg, Halligan, Daniels, (By Request of the Senate Judiciary Committee). Referred to Committee on Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 9, introduced by Waldron, Tveit, Stimatz, Pistoria, Elliott, Lynch, Harp, Curtiss, (By Request of the Joint Subcommittee on Highways). Referred to Committee on Highways and Transportation.

HB 59, introduced by Harper, (By Request of the Administrative Code Committee). Referred to Committee on State Administration.

HB 268, introduced by McBride, Jacobson, (By Request of the Legislative Audit Committee). Referred to Committee on Legislative Administration.

HB 507, introduced by Hannah, Fagg. Referred to Committee on Judiciary.
HB 509, introduced by Asay, Spaeth. Referred to Committee on Agriculture, Livestock and Irrigation.
HB 546, introduced by Waldron. Referred to Committee on Judiciary.
HB 547, introduced by Hand, Bliss, Pistoria, O'Connell. Referred to Committee on State Administration.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Aklestad in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 208 - That SB 208 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 289 - That SB 289 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 327 - That SB 327 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lane, Lee, R. Manning, Marbut, Mohar, Shaw, Smith, Towe, Turnage, Tveit, Mr. President.

Total 30

Noes: Blaylock, Daniels, Etchart, Fuller, Haffey, Halligan, Himsl, Jacobson, Lynch, Mazurek, Norman, Ochsner, Regan, Severson, Stimatz, Story, Thomas, Van Valkenburg.
Total 18

Excused: D. Manning.
Total 1

Absent or not voting: McCallum.
Total 1

SB 349 - That SB 349 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 358 - That SB 358 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Daniels.
Total 1

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 369 - That SB 369 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 243 - That HB 243 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 190 - That HB 190 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 253 - That HB 253 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.

Total 1

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Aklestad moved the adoption of the committee report. Report adopted.

Senate stood at ease at 3:47 p.m.

Senate resumed at 3:49 p.m.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJR 1, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 237 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 259 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut,

McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Fuller, Mazurek, Regan.
Total 3

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 314 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 320 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Etchart, Ochsner.
Total 2

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 324 passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Lane, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 38

Noes: Aklestad, Daniels, Haffey, Halligan, Jacobson, Kolstad, Lee, Lynch, Norman, Stimatz, Van Valkenburg.

Total 11

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 352 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 27 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 53 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Boylan, Daniels, Shaw.
Total 3

Excused: D. Manning.
Total 1

Absent or not voting: Graham.

Total 1

HB 165 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Boylan, Graham.
Total 2

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 307 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 347 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 350 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 369 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, R. Manning, Marbut, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Daniels, Lynch, Mazurek.
Total 3

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BUSINESS AND INDUSTRY (Kolstad, Chairman):
SB 251, do pass. Report adopted.
SB 305, introduced bill, be amended as follows:

1. Page 2, line 10.
Following: "a"
Insert: "per annum"

2. Page 2, line 11.
Following: "commission"
Strike: "by rule"

3. Page 2, line 14.
Following: "schedules."
Insert: "In the case of an investor-owned utility the interest rate set by the commission may not exceed the cost of equity capital as last determined by the commission."

4. Page 2, line 15.
Following: line 14
Insert: "(3) The commission may prescribe rules necessary to effectively administer this section."

And, as amended, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 305

A statement of intent is required for this bill because it gives the Public Service Commission rulemaking authority. Section 1 provides for elimination of the statutorily prescribed 10% annual interest rate, and grants the Commission discretion to determine an annual interest rate to be assessed on a utility's revenues that are subject to rebate. In adopting rules relating to the determination of the interest rate, the Commission might, for example, consider such factors as the size of the utility involved, the number of consumers served by the utility, the utility's cost of capital, the amount of the revenues subject to rebate and the length of the time period in which revenues were overcollected. Rules drawn should reflect the manner in which the Commission would consider the factors to arrive at an appropriate rate of interest under the circumstances.

The rules may also address a procedure for waiving the nine month automatic schedule effective date, and a procedure for rebating amounts to consumers where necessary.

SB 392, introduced bill, be amended as follows:

1. Page 4, lines 16 through 19.
Following: line 15
Strike: subsection (f) in its entirety
Renumber: subsequent subsections

2. Page 21, line 23.
Following: "than"
Strike: "$1,000"
Insert: "$500"

And, as amended, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 392

This bill requires a statement of intent because it requires rulemaking by the Board of Public Accountants.

Under new subsections added to section 37-50-203, the Board must adopt internal rules to preserve the confidences of clients of investigated public accountants, rules defining experience requirements and rules for investigations and enforcement of the law and board rules. The internal rules required are intended to prevent disclosure by board members and employees of facts learned through board investigations which the client of the investigated party, who may be unaware of the investigation, never consented to. The Legislature believes this to be a sensitive area, as investigations may or may not result in civil and criminal charges and may even result in legal action by others against the client. Rules governing experience required by the Board must require only so much experience as is necessary for the protection of the public and must not impede access to the profession by those persons reasonably well qualified. Enforcement rules must create a positive enforcement program which will require application of continuing education principles for persons who, among others, may be close to violations of the law but for which other disciplinary action is not warranted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, Chairman):

SB 315, introduced bill, be amended as follows:

1. Page 1, line 22.
Following: "in"
Strike: "a noncertified"
Insert: "any other"

2. Page 2, line 11.
Following: "contract"
Insert: "or reasonable assurance from the employer"

3. Page 2, line 12.
Following: "any"
Insert: "such"

4. Page 2.
Following: line 13
Insert: "(3) If any school employee is denied benefits and such employee is not offered an opportunity to be reemployed for the next succeeding school year or term, such individual shall be entitled to retroactive payment for each week for which the individual filed a timely claim for benefits and for which compensation was denied solely because of this section."

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 301, do pass. Report adopted.
SB 302, do pass. Report adopted.
SB 309, introduced bill, be amended as follows:

1. Title, lines 8 and 9.
Strike: "DELETING" through "LEGISLATION;" on line 9

2. Title, lines 11 and 12.
Strike: "AND FROM" through "OFFICIALS" on line 12

3. Title, line 14.
Strike: "REPEALING SECTION 5-7-213, MCA;"

4. Page 1, line 25.
Following: "~~interests,~~"
Insert: "to require elected officials to make public their business interests,"

5. Page 2, line 19.
Following: "~~includes:~~"
Insert: "includes:"

6. Page 2, line 20.
Strike: "is"
Insert: "(a)"

7. Page 2, lines 21 through 23.
Strike: "by" through "to" on line 23
Insert: "before"

8. Page 2, line 25.
Following: "~~and~~"
Insert: "or before a public official acting in his official capacity; and"

9. Page 3.
Following: line 4
Insert: "(b) the practice of promoting or opposing official action by any public official other than a legislator. Lobbying does not include

the appearance by a public official before a committee of the legislature for informational purposes."

10. Page 3, line 9.
Following: "~~or~~"
Insert: "or"

11. Page 3, lines 13 through 16.
Strike: ": or" through "committees" on line 16

12. Page 5, line 19.
Following: "fee,"
Strike: "or"
Following: "compensation"
Insert: ", or reimbursement"

13. Page 6, line 23.
Strike: "Such"
Insert: "If such payments are made solely to influence legislative action, such"

14. Page 7.
Following: line 19
Insert: "(3) If such payments are made to influence any other official action by a public official or made to influence such other action and legislative action, such accounting shall be made:

(a) before February 16th of the calendar year following such payments and shall include all payments made during the prior calendar year; and

(b) before the 16th day of the calendar month following any calendar month in which the principal spent $5,000 or more and shall include all payments made during the prior calendar month."

15. Page 7, line 20.
Strike: "(3)"
Insert: "(4)"

16. Page 7, line 21.
Strike: "and"
Insert: ","

17. Page 7, line 22.
Following: "~~(3)(a)~~"
Insert: ", and (3)(a)"

18. Page 9, line 1.
Strike: "$250"
Insert: "$100"

19. Page 9, lines 24 and 25.
Strike: "bill" through "in" on line 25
Insert: "official action"

20. Page 10.
Strike: lines 16 and 17 in their entirety
Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 390, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 390

This bill requires a statement of intent because section 2 provides that the warden of the Montana state prison shall adopt certain rules relating to admission, custody, and release of inmates at the prison. Such rules are not intended to be subject to the Montana Administrative Procedure Act, as provided in 2-4-102, MCA, and shall address the administration and general internal operating procedures and policies of the prison with regard to supervision, custody, control, care and treatment of inmates.

HB 73, be concurred in. Report adopted.

MOTIONS

Senator Elliott moved that the Senate reconsider its action in adopting the adverse committee report on SB 254. Motion failed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Crippen, Eck, Elliott, Fuller, Haffey, Halligan, Himsl, Jacobson, Lee, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Shaw, Stimatz, Towe, Van Valkenburg.
Total 23

Noes: Aklestad, Boylan, Brown, Dover, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lane, Marbut, McCallum, Ochsner, Severson, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 25

Excused: D. Manning.
Total 1

Absent or not voting: Daniels.
Total 1

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 4:23 p.m., until Wednesday, February 16, 1983, at the hour of 2:30 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

THIRTY-NINTH LEGISLATIVE DAY

Helena, Montana
February 16, 1983

Senate Chambers
State Capitol

Senate convened at 2:30 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the thirty-eighth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 214, SB 251, SB 275, SB 283, SB 301, SB 302, SB 305, SB 309, SB 315, SB 356, SB 371, SB 373, SB 381, SB 386, SB 390, SB 392.
Correctly engrossed: SB 208, SB 289, SB 327, SB 349, SB 358, SB 369.

FISH AND GAME (Smith, Chairman):
SB 383, introduced bill, be amended as follows:

1. Title, line 4.
Strike: "65"
Insert: "62"

2. Page 1, line 13.
Strike: "sixty-five"
Insert: "sixty-two"
Strike: "65"
Insert: "62"

And, as amended, do pass. Report adopted.

SB 387, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 387

A statement of intent is required for Senate Bill 387 because rulemaking authority is granted to the Montana Fish and Game Commission to prescribe rules and regulations for the taking of Whitefish by nets or traps in the Kootenai River and in its tributary systems within one mile of the Kootenai River. It is proposed that such rules will encompass the following:
1. method of taking the fish;
2. permit requirements for those taking the fish; and
3. the times of taking the fish.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
SB 402, introduced bill, be amended as follows:

1. Page 11, line 2.
Following: "abreast"
Strike: "may"

Insert: "shall"

And, as amended, do pass. Report adopted.

HB 7, be concurred in. Report adopted.
HB 408, third reading copy, be amended as follows:

1. Page 1, line 18.
Following: "railroad"
Insert: ", provided however, a caboose is not required on a train operating within railroad yard limits, on a road, switch, or local switch train, on a work train, maintenance train, or on any other train of 35 cars or less"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Turnage, Chairman):
SB 203, introduced bill, be amended as follows:

1. Title, lines 5 and 6.
Strike: "WITH 12 YEARS OR MORE OF SERVICE"

2. Title, line 6.
Strike: "BEFORE AGE 65"
Insert: "AFTER 8 YEARS OF SERVICE"

3. Page 1, line 14.
Following: "justice"
Strike: remainder of line 14 through "service" on line 16
Insert: "who has retired after 8 years of service"

And, as amended, do pass. Report adopted.

SB 225, introduced bill, be amended as follows:

1. Title, line 5.
Following: "EXTEND"
Strike: remainder of line 5 through line 7
Insert: "FROM 5 TO 10 DAYS THE PERIOD OF TIME FOLLOWING A REQUEST FOR RELEASE IN WHICH A PERSON VOLUNTARILY COMMITTED TO A MENTAL HEALTH FACILITY MAY BE DETAINED FOR EVALUATION; PROVIDING THAT SUCH DETENTION IS ALLOWED ONLY IF THE PERSON HAS REQUESTED RELEASE DURING THE FIRST 15 DAYS OF HIS VOLUNTARY"

2. Page 2, line 15.
Following: "release"
Insert: ", if the written request is made within the first 15 days following admission"

3. Page 3, line 12.
Following: "53-21-111(3)"
Insert: ", if the written request is made within the first 15 days following admission"

And, as amended, do pass. Report adopted.

SB 351, introduced bill, be amended as follows:

1. Title, lines 6 and 7.
Strike: "MENTAL HEALTH PROFESSIONALS"
Insert: "EXPERTS"

2. Title, lines 7 and 8.

Strike: "SECTIONS 46-14-212 AND"
Insert: "SECTION"

3. Page 1, line 11.
Strike: section 1 in its entirety
Renumber: subsequent sections

4. Page 2, line 6.
Strike: "mental health professional"
Insert: "expert"

5. Page 2, lines 12 and 13.
Strike: "mental health professional"
Insert: "expert"

6. Page 2, line 20.
Strike: "He"
Insert: "The expert"

7. Page 2, lines 24 and 25.
Strike: "mental health professional"
Insert: "expert"

8. Page 3, line 2.
Following: "have"
Insert: ", at the time the offense was committed,"

And, as amended, do pass. Report adopted.

SB 354, introduced bill, be amended as follows:

1. Page 1, line 15.
Following: "~~property,~~"
Insert: "within 30 days from the time of receiving the property,"

2. Page 1, line 23.
Following: "~~service~~"
Strike: remainder of line 23 through "and" on line 25
Insert: "service"

And, as amended, do pass. Report adopted.

SB 391, introduced bill, be amended as follows:

1. Title, line 7.
Following: "INCREASED"
Strike: remainder of line 7 through "COUNTIES" on line 11

2. Title, line 12.
Following: "45-6-325,"
Insert: "AND"

3. Title, line 13.
Strike: "46-8-112, 46-8-113, AND 46-18-201,"

4. Title, line 13.
Following: "MCA;"
Strike: remainder of line 13 through "MCA;" on line 14

5. Title, line 14.
Following: "AN"
Insert: "IMMEDIATE"

6. Page 11, line 22.
Strike: sections 9 through 19 in their entirety

Renumber: subsequent sections

7. Page 21, line 20.
Strike: "July 1, 1983"
Insert: "on passage and approval"

And, as amended, do pass. Report adopted.

SB 394, introduced bill, be amended as follows:

1. Title, line 9.
Strike: "AND"

2. Title, line 12.
Following: "MCA"
Insert: "; PROVIDING FOR APPLICATION TO DEATH SENTENCES IMPOSED BEFORE AND AFTER THE EFFECTIVE DATE OF THIS ACT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 6, line 23.
Following: "that"
Insert: "the"

4. Page 9.
Following: line 21
Insert: "NEW SECTION. Section 7. Applicability. This act applies to death sentences whether first pronounced before or after its effective date. The legislature intends this act to apply retroactively under 1-2-109.

NEW SECTION. Section 8. Effective date. This act is effective on passage and approval."

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
SB 190, introduced bill, be amended as follows:

1. Title, line 7.
Following: "53-1-404"
Insert: "53-1-405,"

2. Page 3, lines 5 through 8.
Strike: subsection (9) in its entirety
Renumber: subsequent subsection

3. Page 3.
Following: line 17
Insert: "Section 3. Section 53-1-405, MCA, is amended to read:

"53-1-405. Monthly assessment of charges. (1) The department shall assess monthly against each resident, ~~or~~ financially responsible person, or applicable third-party resource the full per diem charge, a proportionate share of the per diem charge, or no per diem charge, plus full ancillary charge, a proportionate share of the ancillary charge, or no ancillary charge based upon financial information given to the department during its investigation conducted according to the rules of the department.

(2) An assessment made by the department under this section shall be based on the resident's or financially responsible person's ability to pay. The department shall prescribe rules which establish

criteria and a procedure for determining ability to pay. The department may not make an assessment which would place an undue financial burden on the resident or the financially responsible person.""

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 378, do pass. Report adopted.
SB 422, do pass. Report adopted.
SB 429, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 227, do pass. Report adopted.
SB 243, introduced bill, be amended as follows:

1. Page 3, line 8.
Following: "taxable"
Strike: "years beginning"
Insert: "periods covered by returns due"

2. Page 3, line 9.
Following: "31,"
Strike: "1977"
Insert: "1980"

And, as amended, do pass. Report adopted.

SB 281, do pass. Report adopted.
SB 342, introduced bill, be amended as follows:

1. Title, line 6.
Following: "APRIL"
Strike: "30"
Insert: "15"

2. Page 1, line 20.
Following: "April"
Strike: "30"
Insert: "15"

3. Page 2, line 25.
Following: "April"
Strike: "30"
Insert: "15"

And, as amended, do pass. Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
SB 306, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Boylan, Brown, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, Marbut, Mazurek, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Mr. President.
Total 38

Noes: Berg, Blaylock, Christiaens, Eck, Fuller, R. Manning, Mohar, Regan, Thomas, Towe, Van Valkenburg.
Total 11

Excused: None.

Total 0

Absent or not voting: D. Manning.
Total 1

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
HB 198, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Elliott.
Total 1

Excused: None.
Total 0

Absent or not voting: Brown, Hager, Kolstad, Lee, D. Manning.
Total 5

LABOR AND EMPLOYMENT RELATIONS (Aklestad, Chairman):
SB 199, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 40

Noes: Aklestad, Goodover, Hammond, Keating, McCallum, Ochsner, Tveit.
Total 7

Excused: None.
Total 0

Absent or not voting: Crippen, Lynch, D. Manning.
Total 3

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 2/15/83

HB 16, introduced by Harp, et al.

HB 90, introduced by Harper, et al.

HB 260, introduced by Brown, et al.

HB 277, introduced by Smith, et al.

HB 290, introduced by Seifert, et al.

HB 322, introduced by Metcalf

HB 337, introduced by Metcalf, et al.

HB 349, introduced by Spaeth, et al.

HB 361, introduced by Phillips, et al.

HB 391, introduced by Stobie, et al.

HB 505, introduced by Bardanouve

HB 525, introduced by Darko, et al.

HB 531, introduced by Bardanouve

HB 541, introduced by Phillips

HB 542, introduced by Kitselman, Nordtvedt

HB 554, introduced by Howe, et al.

HB 560, introduced by Abrams, et al.

HB 562, introduced by Harper, et al.

HB 568, introduced by Harper

HB 584, introduced by Hannah, Swift

HB 588, introduced by Swift, et al.

HB 606, introduced by Koehnke, et al.

HB 618, introduced by Keyser, et al.

HB 619, introduced by Hannah

HB 623, introduced by Driscoll

HB 628, introduced by Harper, O'Connell

HB 630, introduced by Donaldson

HJR 12, introduced by Swift, et al.

HJR 17, introduced by Menahan, Kolstad

HJR 18, introduced by Quilici, et al.

Senate amendments to House bill concurred in: 2/15/83

HB 134, introduced by Williams

MOTIONS

Senator Story moved that SB 421 be taken from the Committee on State Administration and that it be printed and placed on second reading. Motion carried unanimously.

Senator Van Valkenburg moved that consideration on SJR 10 now on second reading be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Norman.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 431, introduced by Crippen, Towe, Regan, Blaylock, Eck, Fagg, Bengtson, Dover, Hager, Keating, Winslow, Kitselman. Referred to Committee on Taxation.

SB 432, introduced by E. Smith, Kolstad, Lee, Gage, Thomas, Conover, Stephens, Ochsner. Referred to Committee on Business and Industry.

SB 433, introduced by B. Brown. Referred to Committee on Judiciary.

SB 434, introduced by Towe, D. Manning, Graham. Referred to Committee on Taxation.

SB 435, introduced by Fuller, Donaldson, (By Request of the Public Employees' Retirement Division). Referred to Committee on State Administration.

SB 436, introduced by Blaylock, Himsl, (By Request of the Legislative Audit Committee). Referred to Committee on State Administration.

SB 437, introduced by Gage, Crippen, Goodover, (By Request of the Senate Taxation Committee). Referred to Committee on Taxation.

SB 438, introduced by Story, (By Request of the Senate Committee on State Administration). Referred to Committee on State Administration.

SB 439, introduced by Hager, Norman, (By Request of the Senate Public Health, Welfare, and Safety Committee). Referred to Committee on Business and Industry.

SB 440, introduced by Marbut. Referred to Committee on Judiciary.

SB 441, introduced by Tveit, Graham, E. Smith, Boylan, Conover, Shontz, Thomas, Roush. Referred to Committee on Natural Resources.

SB 442, introduced by Tveit, Graham, E. Smith, Boylan, Conover, Shontz. Referred to Committee on Natural Resources.

SB 443, introduced by E. Smith, Manuel, Lane, Aklestad, Donaldson, Bengtson. Referred to Committee on State Administration.

SB 444, introduced by Marbut, Boylan, Galt, B. Brown, Lee, Bardanouve, Ream. Referred to Committee on Natural Resources.

SB 445, introduced by B. Brown, E. Smith, Mazurek, Gage, Blaylock, Haffey, McCallum, Elliott, Berg, (By Request of the Senate Committee on Education and Cultural Resources). Referred to Committee on Education and Cultural Resources.

SB 446, introduced by Thomas, Pavlovich, Williams, Winslow, (By Request of the Legislative Advisory Committee on SJR 34). Referred to Committee on Public Health, Welfare and Safety.

SB 447, introduced by Norman, Pavlovich, Williams, Winslow, (By Request of the SJR 34 Legislative Study Committee). Referred to Committee on Public Health, Welfare and Safety.

SB 448, introduced by Lane, Towe, E. Smith, Boylan, Christiaens, Fuller, Galt, Mazurek, (By Request of the Departments of Agriculture and Fish, Wildlife, and Parks). Referred to Committee on Fish and Game.

SB 449, introduced by R. Manning. Referred to Committee on Labor and Employment Relations.

SB 450, introduced by Crippen, Hager, Towe, Elliott, Eck, Regan, Mazurek, Halligan, Blaylock, Keating, Fagg, Bengtson, Winslow,

Kitselman, Van Valkenburg, Dover, Menahan. Referred to Committee on Taxation.

SB 451, introduced by Stephens. Referred to Committee on Legislative Administration.

SB 452, introduced by Fuller, J. Brown. Referred to Committee on State Administration.

SB 453, introduced by Fuller, Kolstad, Gage, Severson, Lee, Christiaens, Goodover, Regan, Keating, (By Request of the Senate Business and Industry Committee). Referred to Committee on Business and Industry.

SB 454, introduced by Jacobson, Blaylock, Harrington, Lynch, Stimatz, Quilici, Fagg, Haffey, Kemmis, Harp, Marks, Ramirez, Daily, Boylan, Hager, Pavlovich, McCallum, Crippen, Graham, Thomas, (By Request of the Governor's Office). Referred to Committee on State Administration.

SB 455, introduced by Norman, (By Request of the Department of Administration). Referred to Committee on State Administration.

SJR 16, introduced by Turnage, B. Brown, Kolstad, (By Request of the Senate Business and Industry Committee). Referred to Committee on Business and Industry.

SJR 17, introduced by Elliott, Himsl, B. Brown, Turnage, Connelly, Mohar, McCallum, Harp, Mueller, Jones, C. Smith, Curtiss, Seifert, Lybeck, Stobie, Darko. Referred to Committee on Business and Industry.

SJR 18, introduced by E. Smith, Etchart, Kolstad, Gage, Ochsner, H. Hammond, McCallum, Boylan, Tveit, Graham, Lane, (By Request of the Senate Business and Industry Committee). Referred to Committee on Business and Industry.

SJR 19, introduced by Thomas, Neuman, Kolstad, Lee, Halligan, Fabrega, Iverson, Van Valkenburg, Peck, Addy, Kadas. Referred to Committee on Business and Industry.

The following House bills were introduced, read first time, and referred to committees:

HB 16, introduced by Harp, Tveit, Waldron, Elliott, (By Request of the Joint Subcommittee on Highways). Referred to Committee on Taxation.

HB 90, introduced by Harper, Keenan, Nilson, O'Connell, Sales, Stobie, Veleber, Vincent, Ream, Hemstad. Referred to Committee on Public Health, Welfare and Safety.

HB 260, introduced by D. Brown, Fabrega, Switzer, Iverson, McBride, Quilici, Keenan, Pavlovich, Harrington, Menahan, Halligan, Jacobson, Eck, Haffey, Daily, Stimatz, Lynch, (By Request of the Hard-Rock Mining Subcommittee). Referred to Committee on Natural Resources.

HB 277, introduced by C. Smith, Jones, Ellison, Stobie, Lory, Eudaily, Ryan, Marks, R. Jensen, Devlin, (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.

HB 290, introduced by Seifert, Devlin, Stobie, Schultz, Marks, Williams, Shontz, Harp, Iverson, D. Brown, Keating, C. Smith, Goodover. Referred to Committee on Business and Industry.

HB 322, introduced by Metcalf, (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Public Health, Welfare and Safety.

HB 337, introduced by Metcalf, Hazelbaker, O'Connell, Farris, Hemstad, Fabrega, (By Request of the Board of Pharmacists). Referred to Committee on Public Health, Welfare and Safety.

HB 349, introduced by Spaeth, Conover, Asay, Neuman, Abrams, Saunders, Thoft, Curtiss, Holliday, Schye, Bliss, Lybeck. Referred to Committee on Agriculture, Livestock and Irrigation.

HB 361, introduced by Phillips, Boylan, Norman, Halligan, Donaldson. Referred to Committee on Public Health, Welfare and Safety.

HB 391, introduced by Stobie, Manuel, Quilici, Fabrega, Boylan, McCallum, H. Hammond, Ellison, C. Smith, Jones, Stimatz, Sales, Underdal, Donaldson, Gage, E. Smith, Harper, Curtiss, Roush, Daily, Pavlovich, Severson, J. Hammond, Spaeth, Jacobsen, Holliday, McBride, Asay, Hemstad, Schultz, Metcalf, Ryan, Keyser, Harp, Brand, Swift, Vinger, R. Jensen, Solberg, Nordtvedt, Yardley, Vincent, Ramirez, Marks, Menahan, Marbut. Referred to Committee on Natural Resources.

HB 505, introduced by Bardanouve, (By Request of the Department of Administration). Referred to Committee on State Administration.

HB 525, introduced by Darko, Christiaens, Berg, Halligan, R. Manning, Dozier, Bergene, Connelly, Bachini, O'Connell, J. Brown, (By Request of the Human Rights Commission). Referred to Committee on Labor and Employment Relations.

HB 531, introduced by Bardanouve, (By Request of the Department of Administration). Referred to Committee on State Administration.

HB 541, introduced by Phillips, (By Request of the Department of Fish, Wildlife, and Parks). Referred to Committee on Fish and Game.

HB 542, introduced by Kitselman, Nordtvedt. Referred to Committee on Highways and Transportation.

HB 554, introduced by Howe, Christiaens, Halligan, Towe, Kennerly, Metcalf, Connelly, J. Jensen, Darko, Nisbet, Schye, Berg, B. Brown, (By Request of the Human Rights Commission). Referred to Committee on Labor and Employment Relations.

HB 560, introduced by Abrams, Spaeth, D. Brown, Pavlovich, Stobie, Zabrocki, O'Connell, Keyser, (By Request of the Department of Justice). Referred to Committee on Highways and Transportation.

HB 562, introduced by Harper, Roush, Metcalf, J. Brown, Waldron. Referred to Committee on Judiciary.

HB 568, introduced by Harper, (By Request of the Department of Labor and Industry). Referred to Committee on Labor and Employment Relations.

HB 584, introduced by Hannah, Swift, (By Request of the Task Force on Corrections). Referred to Committee on Judiciary.

HB 588, introduced by Swift, Seifert, Thoft. Referred to Committee on Highways and Transportation.

HB 606, introduced by Koehnke, Brand, Fabrega, O'Connell, Peck, Pistoria, Harper, Yardley. Referred to Committee on Highways and Transportation.

HB 618, introduced by Keyser, Bardanouve, Vinger, Shontz. Referred to Committee on Judiciary.

HB 619, introduced by Hannah. Referred to Committee on Judiciary.

HB 623, introduced by Driscoll. Referred to Committee on Labor and Employment Relations.

HB 628, introduced by Harper, O'Connell. Referred to Committee on Judiciary.

HB 630, introduced by Donaldson. Referred to Committee on Natural Resources.

HJR 12, introduced by Swift, Bardanouve, Ream, Mueller, J. Jensen, Marbut, Eck, Ryan, J. Brown, Farris, Donaldson, Spaeth, Phillips, Underdal, Ramirez, Christiaens, Connelly, Addy, Yardley, Vinger,

Gage, Darko, Severson, Shaw, Vincent, Halligan, B. Brown, Mohar, C. Smith, Veleber. Referred to Committee on Natural Resources.

HJR 17, introduced by Menahan, Kolstad. Referred to Committee on Legislative Administration.

HJR 18, introduced by Quilici, Boylan, Van Valkenburg, Lory, Pavlovich, Daily, Keenan, Iverson, Spaeth, Hemstad. Referred to Committee on Business and Industry.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 84 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Boylan, Gage, Lee.
Total 3

Excused: None.
Total 0

Absent or not voting: D. Manning.
Total 1

SB 87 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: D. Manning.
Total 1

SB 130 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Elliott, Himsl.

Total 2

Excused: None.
Total 0

Absent or not voting: D. Manning.
Total 1

SB 140 passed as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Mr. President.
Total 40

Noes: Blaylock, Christiaens, Eck, Haffey, Halligan, Mohar, Regan, Towe, Van Valkenburg.
Total 9

Excused: None.
Total 0

Absent or not voting: D. Manning.
Total 1

SB 210 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 250 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 338 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Daniels, Eck, Himsl, Mohar, Regan.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 345 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Goodover.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 258 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Dover in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 40 - That SB 40 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 166 - That SB 166 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Fuller, Goodover, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 40

Noes: Elliott, Etchart, Galt, Hammond, Shaw, Smith, Tveit.
Total 7

Excused: None.
Total 0

Absent or not voting: Gage, Graham, Story.
Total 3

SB 171 - That SB 171 do pass. Motion failed as follows:

Ayes: Aklestad, Boylan, Dover, Elliott, Etchart, Gage, Galt, Graham, Hammond, Kolstad, Lee, Lynch, McCallum, Ochsner, Severson, Shaw, Smith, Story, Tveit, Mr. President.
Total 20

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Goodover, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Lane, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Turnage, Van Valkenburg.
Total 29

Excused: None.
Total 0

Absent or not voting: Towe.
Total 1

That SB 171 be indefinitely postponed. Motion failed as follows:

Ayes: Brown, Christiaens, Crippen, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Lane, Mazurek, Mohar, Norman, Regan, Stimatz, Van Valkenburg.
Total 19

Noes: Aklestad, Berg, Blaylock, Boylan, Conover, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Keating, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 29

Excused: None.
Total 0

Absent or not voting: Thomas, Towe.
Total 2

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Dover moved the adoption of the committee report. Report adopted.

Senate stood in recess subject to the call of the Chair at 4:20 p.m.

Senate resumed at 4:33 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 7.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 456, introduced by Fuller, Harper. Referred to Committee on Business and Industry.
SB 457, introduced by Fuller, Quilici. Referred to Committee on State Administration.
SB 458, introduced by Norman. Referred to Committee on Local Government.
SJR 20, introduced by Lee, Dover, Eck, Halligan, Iverson, D. Brown. Referred to Committee on Natural Resources.
SJR 21, introduced by Berg, Blaylock, Eck, Graham, Lynch, Conover, Mohar, Hager, E. Smith, Thomas, Van Valkenburg, B. Brown, Daniels, Farris, Severson, Tveit, Bardanouve, Gage, H. Hammond, Christiaens, Hazelbaker, R. Manning, Haffey, Jacobson, Mazurek, Lane, Stephens, Fuller, Halligan, Stimatz, Galt, Thoft. Referred to Committee on State Administration.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Dover in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 266 - That SB 266 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 291 - That SB 291 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 294 - That SB 294 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 295 - That SB 295 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 298 - That SB 298 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Story.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 339 - That SB 339 do pass. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Conover, Crippen, Dover, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, D. Manning, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Thomas, Tveit, Mr. President.
Total 29

Noes: Berg, Brown, Christiaens, Eck, Elliott, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Marbut, Mazurek, Mohar, Regan, Story, Towe, Van Valkenburg.
Total 19

Excused: None.
Total 0

Absent or not voting: Daniels, Turnage.
Total 2

SB 340 - That SB 340 do pass. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, D. Manning, R. Manning, Mazurek, McCallum, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg.
Total 38

Noes: Berg, Halligan, Mohar, Regan, Towe.
Total 5

Excused: None.
Total 0

Absent or not voting: Brown, Daniels, Graham, Lynch, Marbut, Norman, Mr. President.
Total 7

SB 350 - That SB 350 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Dover moved the adoption of the committee report. Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Dover in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 353 - That SB 353 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 389 - That SB 389 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 94 - That SB 94, second reading copy, be amended as follows:

1. Title, line 6.
Strike: "PHASE OUT"
Insert: "ELIMINATE"

2. Title, line 8.
Strike: "OVER A 3-YEAR PERIOD"

3. Title, line 15.
Following: "20-9-343"
Strike: "AND"
Following: "~~AND~~"
Insert: ", AND"
Strike: "THROUGH"
Following: "MCA; ~~AND~~"
Insert: "AND"

4. Title, line 17.
Following: "AN"
Insert: "IMMEDIATE"

5. Page 27, line 7.
Following: "~~25~~"
Strike: "28"
Insert: "34"
Following: "MILLS"
Strike: remainder of line 7 through 8

6. Page 27, line 23.
Following: "~~mills~~"
Strike: remainder of line 23 through "SECTION" on line 24
Insert: "of 34 mills"

7. Page 29, line 13.
Following: "~~15~~"
Strike: remainder of line 13 through "THEREAFTER" on line 15
Insert: "21 mills"

8. Page 30, line 3.
Following: "~~mills~~"
Strike: remainder of line 3 through "SECTION" on line 4
Insert: "of 21 mills"

9. Page 33, line 5.
Strike: section 18 in its entirety
Renumber: subsequent sections

10. Page 38, line 6.
Following: "DATE."
Strike: remainder of line 6 through line 9
Insert: "This act is effective on passage and approval."

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Galt, Graham, Haffey, Halligan, Hammond, Himsl, Jacobson, Lynch, R. Manning, Marbut, Mazurek, Mohar, Regan, Shaw, Stimatz, Thomas, Towe, Mr. President.
Total 26

Noes: Boylan, Brown, Crippen, Dover, Elliott, Etchart, Gage, Goodover, Hager, Keating, Kolstad, Lane, Lee, D. Manning, McCallum, Norman, Ochsner, Severson, Smith, Story, Turnage, Tveit, Van Valkenburg.
Total 23

Excused: None.
Total 0

Absent or not voting: Hazelbaker.
Total 1

That SB 94, as amended, do pass. Motion failed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Eck, Fuller, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Mr. President.
Total 24

Noes: Aklestad, Conover, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Keating, Kolstad, Lane, Lee, D. Manning, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Van Valkenburg.
Total 26

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That SB 94 be indefinitely postponed. Motion failed as follows:

Ayes: Aklestad, Conover, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Keating, Kolstad, Lee, D. Manning, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit.
Total 24

Noes: Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Eck, Fuller, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Lane, Lynch, R. Manning, Marbut, Mazurek, Mohar, Regan, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Dover moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly enrolled: SB 10, SB 160.
Examined by the sponsor (Kolstad) and found to be correct: SB 160.
Examined by the sponsor (Lynch) and found to be correct: SB 10.
Signed by the President at 4:00 p.m., 2/16/83: SB 10, SB 160.
Signed by the President at 5:10 p.m., 2/16/83: HB 91.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
SB 292, do pass. Report adopted.
SB 300, do pass. Report adopted.
SB 325, introduced bill, be amended as follows:

1. Page 4, line 15.
Following: "United States"
Insert: "or an insurer approved by the department of commerce"

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SB 395, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 247, introduced bill, be amended as follows:

1. Page 3, line 25 through page 4, line 1.
Following: "applicable"
Strike: "retroactively within the meaning of 1-2-109"
Insert: "only"

2. Page 4, line 2.
Following: "1983."
Insert: "It is to be applied retroactively within the meaning of 1-2-109 for such periods."

And, as amended, do pass. Report adopted.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 459, introduced by Eck, Regan. Referred to Committee on Taxation.
SB 460, introduced by Fuller. Referred to Committee on Local Government.

At the request of Senator Hager, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Hager moved that SB 439 be taken from the Committee on Business and Industry and that it be referred to the Committee on Public Health, Welfare and Safety. Motion carried unanimously.

Senator Boylan moved that SB 171 be taken from second reading and that it be referred to the Committee on State Administration. Motion carried unanimously.

Senator Story moved that SB 454 be taken from the Committee on State Administration and that it be referred to the Committee on Highways and Transportation. Motion carried unanimously.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 6:37 p.m., until Thursday, February 17, 1983, at the hour of 2:30 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FORTIETH LEGISLATIVE DAY

Helena, Montana
February 17, 1983

Senate Chambers
State Capitol

Senate convened at 2:30 p.m., President Pro Tempore Kolstad presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the thirty-ninth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):

Correctly printed and placed on the members' desks: SB 190, SB 203, SB 225, SB 227, SB 243, SB 247, SB 281, SB 292, SB 300, SB 342, SB 351, SB 354, SB 378, SB 383, SB 387, SB 391, SB 395, SB 402, SB 421, SB 422, SB 429.

Correctly engrossed: SB 166, SB 294, SB 295, SB 339, SB 340, SB 350.

Delivered to the Governor for his approval at 10:00 a.m., 2/17/83: SB 10, SB 160.

BUSINESS AND INDUSTRY (Lee, Vice-Chairman):

SB 398, introduced bill, be amended as follows:

1. Title, line 10.
Following: line 9
Strike: line 10 in its entirety through "SUSPENSION;" on line 11

2. Page 11, lines 4 through 6.
Strike: ";" on line 4 through "quality" on line 6

And, as amended, do pass. Report adopted.

SB 403, introduced bill, be amended as follows:

1. Title, line 4.
Following: "TO"
Strike: remainder of line 4 and line 5 in its entirety

2. Page 1, lines 12 through 22.
Strike: section 1 in its entirety
Renumber: subsequent sections

3. Page 1, line 25.
Following: "~~$20~~"
Strike: remainder of line 25 through "[section 1]" on line 1 of page 2
Insert: "of $30"

4. Page 2, line 6.
Following: "~~$20~~"
Strike: remainder of line 6 through "[section 1]" on line 7
Insert: "of $30"

5. Page 2, line 12.
Following: "~~$20~~"

Strike: remainder of line 12 through "[section 1]" on line 13
Insert: "of $30"

And, as amended, do pass. Report adopted.

SB 453, do pass. Report adopted.
SJR 18, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman):
SB 297, do pass. Report adopted.
SB 246, introduced bill, be amended as follows:

1. Page 2, line 21.
Following: line 20
Strike: "consider systematically"
Insert: "systematically consider"

2. Page 3, line 6.
Following: "(1)"
Insert: "in consultation"
Following: "with"
Strike: "the concurrence of"

3. Page 3, line 14.
Following: "22-3-423"
Strike: ";"
Insert: ". If the state agency acts in conjunction with a federal agency in its normal course of granting permits, the rules adopted under this subsection must be substantially the same as the federal rules that apply to the federal agency."

And, as amended, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 246

The primary purpose of the bill is to ensure that systematic consideration of heritage properties on state-owned land occurs in state agency planning and actions. The bill provides that agencies that do not choose to prepare their own regulations to afford systematic consideration to heritage properties on state lands adhere to general rules prepared by the Historical Society.

The rules promulgated pursuant to this bill should ensure that (a) the decision on whether to undertake a professional cultural resources inventory or site evaluation prior to a potentially harmful action is made by the agency in consultation with the Society; (b) any heritage properties identified on state land are afforded direct consideration in an agency's decision on whether or how to undertake an action; and (c) when feasible, damage to heritage properties is avoided or subject to an appropriate form of mitigation.

The rules are not intended to require a single course of action by the agency or absolute protection of all identified heritage properties.

The rules promulgated by either state agencies or the Historical Society should have as common elements:

— a requirement that prior to taking an action affecting state land or property state agencies will check with the Historical Society to determine the presence or absence of previously identified historic or prehistoric resources, the relative value of any previously identified sites or buildings, and whether a field inventory or further site evaluation needs to occur to determine whether heritage properties might be impacted.

— a requirement that the Historical Society provide the information requested within a specified time and in a precise format.

— a requirement that each state agency have a system for making and documenting decisions on whether heritage properties identified as being affected by an agency decision or action can be afforded protection, avoidance, reuse, rehabilitation, or recording prior to impact and that the system adopted permits the Historical Society comment to the agency on their decision.

— a method for adjudicating differences between the agency and the Historical Society in instances where the value of jeopardized sites appears to be high. Such a method could involve the Governor-appointed State Historic Preservation Review Board.

This bill would be applicable to state agencies in two separate contexts: decisions on remodeling or demolition of historic state-owned buildings and decisions made by state land managing agencies relative to leases, easements, access, development.

In the case of the Montana University System, "rule" means procedures included in the Montana University System Policies and Procedures Manual through the formal and public process used by the Regents for that purpose.

SB 308, introduced bill, be amended as follows:

1. Title, line 5.
Following: "OWNERS"
Insert: "AND OWNERS OF MORE THAN ONE-HALF OF THE PROPERTY"

2. Page 1, line 22.
Following: "concurrence of"
Insert: ": (a)"

3. Page 1, line 23.
Following: "district"
Insert: "; and

(b) the owners of more than one-half of the property in the district"

And, as amended, do pass. Report adopted.

HB 39, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
HJR 17, be concurred in. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
SB 332, do pass. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
HB 122, third reading copy, be amended as follows:

1. Page 1, line 13.
Following: "of"
Insert: "not more than"
Following: "or less"
Insert: "than 5 years"

2. Page 1, line 16.
Following: "lessee."
Insert: "However, leases for a period of less than 5 years may be issued if the board determines that such shorter term is necessary to ensure full compensation for the oil and gas resource."

And, as amended, be concurred in. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):

SB 364, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Conover, Norman, Ochsner.
Total 3

SB 374, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Conover, Ochsner.
Total 2

SB 380, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Jacobson, Lynch, Norman, Stimatz.
Total 4

Excused: None.
Total 0

Absent or not voting: Conover, Shaw.
Total 2

SB 397, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Marbut.
Total 1

Excused: None.
Total 0

Absent or not voting: Norman.
Total 1

STATE ADMINISTRATION (Story, Chairman):
SJR 11, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Berg, Eck, Fuller, Stimatz.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 2/16/83

HB 377, introduced by Fabrega, et al.

HB 441, introduced by Abrams, et al.

HB 451, introduced by Menahan, Driscoll

HB 489, introduced by Bardanouve

HB 514, introduced by Spaeth

HB 515, introduced by R. Jensen, et al.

HB 520, introduced by Roush, et al.

HB 532, introduced by Bardanouve

HB 533, introduced by Bardanouve

HB 577, introduced by McBride, Halligan

HB 589, introduced by Schye

HB 595, introduced by Spaeth

HB 608, introduced by Spaeth, et al.

HB 633, introduced by Donaldson

HB 642, introduced by Yardley, et al.

HB 653, introduced by Sands

HB 657, introduced by Sands

FIRST READING OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 461, introduced by Blaylock. Referred to Committee on Taxation.

The following House bills were introduced, read first time, and referred to committees:

HB 377, introduced by Fabrega, Crippen, Kemmis, Bertelsen, Regan, J. Jensen, Bergene, Vincent, Miller, Fagg, Hemstad, Berg, Eck, O'Connell, Halligan, Mazurek, Farris, Harrington, Peck, Bachini, Blaylock, McBride, Kadas, Metcalf, Marbut, Ream, Towe, Harper, Mueller, Nilson, Turnage, Lory, J. Brown. Referred to Committee on Fish and Game.

HB 441, introduced by Abrams, Neuman, Harp, McCormick, Jacobsen, Zabrocki, Howe, D. Brown, (By Request of the Department of Highways). Referred to Committee on Highways and Transportation.

HB 451, introduced by Menahan, Driscoll. Referred to Committee on Labor and Employment Relations.

HB 489, introduced by Bardanouve, (By Request of the Department of Administration). Referred to Committee on Judiciary.

HB 514, introduced by Spaeth, (By Request of the Department of Administration). Referred to Committee on State Administration.

HB 515, introduced by R. Jensen, Solberg, Ryan, Stobie, Asay, Ellison, Manuel, Devlin, J. Jensen, Saunders, Ream. Referred to Committee on Agriculture, Livestock and Irrigation.

HB 520, introduced by Roush, Winslow, Elliott, (By Request of the Coal Tax Oversight Subcommittee). Referred to Committee on Natural Resources.

HB 532, introduced by Bardanouve, (By Request of the Department of Administration). Referred to Committee on Labor and Employment Relations.

HB 533, introduced by Bardanouve, (By Request of the Department of Administration). Referred to Committee on Judiciary.

HB 577, introduced by McBride, Halligan, (By Request of the Legislative Audit Committee). Referred to Committee on Judiciary.

HB 589, introduced by Schye. Referred to Committee on Judiciary.

HB 595, introduced by Spaeth, (By Request of the Department of Justice). Referred to Committee on Business and Industry.

HB 608, introduced by Spaeth, Ramirez, Addy, Yardley, (By Request of the Department of Justice). Referred to Committee on Judiciary.

HB 633, introduced by Donaldson, (By Request of the Department of Commerce). Referred to Committee on Business and Industry.

HB 642, introduced by Yardley, Brand, Menahan, Ryan, Ellison, Mazurek, Devlin, D. Brown, McCallum, Fuller, Keating. Referred to Committee on Judiciary.

HB 653, introduced by Sands, (By Request of the Office of Superintendent of Public Instruction). Referred to Committee on Education and Cultural Resources.

HB 657, introduced by Sands, (By Request of the Superintendent of the Office of Public Instruction). Referred to Committee on Education and Cultural Resources.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 208 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 215 passed as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, D. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 37

Noes: Berg, Christiaens, Daniels, Haffey, Halligan, Jacobson, Lynch, R. Manning, Norman, Shaw, Stimatz, Mr. President.
Total 12

Excused: None.
Total 0

Absent or not voting: Severson.
Total 1

SB 289 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 327 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Keating, Kolstad, Lee, D. Manning, R. Manning, Marbut, McCallum, Mohar, Ochsner, Severson, Shaw, Smith, Towe, Turnage, Tveit, Mr. President.
Total 38

Noes: Daniels, Himsl, Jacobson, Lane, Lynch, Mazurek, Norman, Regan, Stimatz, Story, Thomas, Van Valkenburg.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 349 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 358 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Daniels, R. Manning.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 369 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 243 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 253 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of President Pro Tempore Kolstad, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Elliott in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 94 - That SB 94 do pass. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Goodover, Haffey, Halligan, Himsl, Jacobson, Lane, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 29

Noes: Aklestad, Dover, Elliott, Etchart, Gage, Galt, Graham, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lee, D. Manning, McCallum, Severson, Shaw, Smith, Story, Turnage, Tveit.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 214 - That SB 214 do pass. Motion carried as follows:

Ayes: Berg, Christiaens, Conover, Dover, Eck, Elliott, Etchart, Fuller, Gage, Haffey, Hager, Halligan, Hammond, Jacobson, Lane, R. Manning, Mazurek, McCallum, Norman, Ochsner, Regan, Smith, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 27

Noes: Boylan, Crippen, Daniels, Galt, Goodover, Himsl, Keating, Kolstad, Lee, Mohar, Severson, Shaw, Turnage, Mr. President.
Total 14

Excused: None.
Total 0

Absent or not voting: Aklestad, Blaylock, Brown, Graham, Hazelbaker, Lynch, D. Manning, Marbut, Tveit.
Total 9

SB 251 - That SB 251 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 275 - That SB 275 do pass. Motion carried as follows:

Ayes: Aklestad, Boylan, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lee, Lynch, D. Manning, McCallum, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 26

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Haffey, Halligan, Himsl, Jacobson, Lane, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Stimatz, Towe, Van Valkenburg.
Total 24

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 283 - That SB 283, with the attached statement of intent, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Statement of Intent
SB 283

A statement of intent is required for this bill because it grants rulemaking authority to the Department of Revenue in Section 11, to establish criteria and guidelines for the safety, reliability, and durability of solar energy systems. The Legislature intends that these criteria address such issues as:

(1) systems meeting federal safety standards;
(2) warranties on systems; and
(3) the life expectancies of systems.

SB 301 - That SB 301 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R.

Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 302 - That SB 302 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 305 - That SB 305 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. President Pro Tempore Kolstad in the Chair. Chairman Elliott moved the adoption of the committee report. Report adopted.

Senate stood in recess subject to the call of the Chair at 4:35 p.m.

Senate resumed at 4:46 p.m.

At the request of President Pro Tempore Kolstad, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BUSINESS AND INDUSTRY (Lee, Vice-Chairman):
SB 382, introduced bill, be amended as follows:

1. Title, line 6.
Following: "REQUIRING"
Strike: "60"
Insert: "45"

2. Page 2, line 14.
Following: "plan"
Insert: ", provided the benefit level in the converted policy is no greater than the level of the former group plan"

3. Page 2, line 16.
Following: "commissioner."
Insert: "(1)"

4. Page 2, line 17.
Following: "members"
Insert: "covered under individual plans"
Following: "least"
Strike: "60"
Insert: "45"

5. Page 2, line 22.
Following: line 21
Insert: "(2) The premium rate for an individual policy converted from a group plan in accordance with 33-30-1007(3) may not be increased during the first 6 months of coverage of individual policy."

And, as amended, do pass. Report adopted.

FISH AND GAME (Smith, Chairman):
SB 224, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, Chairman):
SB 333, do pass. Report adopted.

TAXATION (Goodover, Chairman):
SB 108, introduced bill, be amended as follows:

1. Title, line 6.
Following: "TAX"
Strike: "FROM AN"
Following: "ANNUAL"
Strike: "TAX TO A"
Insert: "REPORTING REQUIREMENT TO A"

2. Title, line 7.
Following: "QUARTERLY"
Strike: "TAX"
Insert: "REPORTING REQUIREMENT"

3. Title, line 8.
Following: "THE"
Insert: "MARCH 1"
Following: "15-37-102"
Insert: ", 15-37-104"

4. Title, line 9.
Following: "15-37-106,"

Insert: "AND"
Following: "15-37-108,"
Strike: "AND 15-37-109,"

5. Page 1, line 15.
Following: "computation."
Strike: "(1)"

6. Page 2, line 17.
Strike: subsection (2) in its entirety

7. Page 2, line 23.
Strike: section 2 in its entirety
Renumber: subsequent sections

8. Page 5, line 18.
Following: "cents"
Strike: "; and"

9. Page 5, line 19.
Strike: "(g)" through "cents."

10. Page 6.
Following: line 3
Insert: "(4) If the quarterly statement of gross value described herein is not filed with the department within 60 days following the calendar quarter ending, a penalty shall be assessed. The penalty shall be the greater of $25 or 2% of the tax that would be due under [this act] if collected quarterly. If good cause is shown, the department may waive the penalty."

11. Page 6, line 20.
Following: "due"
Strike: remainder of line 20 through "date" on line 23
Insert: "and payable on or before March 1 of each year for the products produced in the preceding calendar year. The tax due under this chapter becomes delinquent as of midnight on March 1 of the year immediately following the production year"

12. Page 7, line 9.
Following: "aforesaid,"
Strike: remainder of line 9 through line 14
Insert: "which"

13. Page 8, line 5.
Strike: "statement"
Insert: "statements"

14. Page 8, lines 6 and 7.
Strike: "such statement and return within the time prescribed"
Insert: "all required quarterly statements of gross yield for a production year on or before March 1 of the year immediately following the production year"

15. Page 8, line 12.
Following: "~~total~~"
Strike: "cumulative"
Insert: "total"

16. Page 8, line 14.
Strike: "for"
Insert: "during"

17. Page 8, line 15.
Strike: "quarter for"
Insert: "year immediately preceding the year in"

18. Page 8, line 17.
Strike: "cumulative"

19. Page 9, lines 6 and 7.
Following: "of"
Strike: "the 60th day following the quarterly reporting date"
Insert: "March 1 of the year immediately following the production year"

20. Page 9, line 9.
Strike: "10%"
Insert: "8%"

21. Page 9, line 14.
Following: "waive the"
Strike: "10%"
Insert: "8%"

22. Page 9, lines 16 and 17.
Following: "before"
Strike: "the 60th day following the quarterly reporting date"
Insert: "March 1 of the year immediately following the production year"

23. Page 9, line 18.
Strike: section 7 in its entirety

And, as amended, do pass. Report adopted.

SB 242, introduced bill, be amended as follows:

1. Page 10, line 4.
Following: "(2)"
Strike: remainder of line 4 through line 8
Insert: "The exemption allowed for estates and trusts is that exemption provided in 15-30-112(2)(a) and 15-30-112(8)."

And, as amended, do pass. Report adopted.

SB 330, introduced bill, be amended as follows:

1. Page 1, line 10.
Strike: "Distinctive license"
Insert: "License"

2. Page 1, line 13.
Strike: "distinctive"

3. Page 1, lines 14 and 15.
Strike: "bearing the words "national guard" and "Montana", said plates"

4. Page 2, line 10.
Following: "3,"
Strike: "part"
Insert: "parts 3 and"

And, as amended, do pass. Report adopted.

SB 414, introduced bill, be amended as follows:

1. Page 1, line 24.
Following: "1954"
Insert: "and thereafter has filed a copy thereof with the department"

2. Page 6, line 7.
Following: "1982"
Strike: remainder of line 7 through line 9
Insert: "."

And, as amended, do pass. Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Elliott in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 309 - That SB 309, second reading copy, be amended as follows:

1. Title, line 12.
Strike: "$25"
Insert: "$15"

Amendment failed as follows:

Ayes: Berg, Blaylock, Christiaens, Eck, Elliott, Haffey, Halligan, Marbut, Mazurek, Mohar, Regan, Towe, Van Valkenburg.
Total 13

Noes: Aklestad, Boylan, Brown, Conover, Crippen, Daniels, Dover, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Mr. President.
Total 36

Excused: None.
Total 0

Absent or not voting: Fuller.
Total 1

That SB 309, second reading copy, be amended as follows:

1. Page 9, line 12.
Following: line 11
Insert: "(iv) salaries and fees, including allowances, rewards, and contingency fees;"
Renumber: subsequent subsections

Amendment failed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Elliott, Fuller, Haffey, Halligan, Jacobson, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 24

Noes: Aklestad, Boylan, Brown, Crippen, Dover, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating,

Kolstad, Lane, Lee, D. Manning, McCallum, Ochsner, Severson, Shaw, Smith, Tveit, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That SB 309 do pass. Motion carried as follows:

Ayes: Aklestad, Boylan, Brown, Conover, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, D. Manning, Marbut, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 32

Noes: Berg, Blaylock, Christiaens, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lynch, R. Manning, Mazurek, Mohar, Regan, Stimatz, Towe, Van Valkenburg.
Total 17

Excused: None.
Total 0

Absent or not voting: Lane.
Total 1

SB 315 - That SB 315 do pass. Motion carried as follows:

Ayes: Aklestad, Boylan, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Lee, Marbut, Mazurek, Ochsner, Severson, Shaw, Smith, Story, Tveit, Mr. President.
Total 25

Noes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, McCallum, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 24

Excused: None.
Total 0

Absent or not voting: Turnage.
Total 1

SB 356 - That SB 356 do pass. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 37

Noes: Aklestad, Gage, Galt, Goodover, Hammond, Keating, Kolstad, Shaw, Smith, Tveit.
Total 10

Excused: None.
Total 0

Absent or not voting: Graham, Lee, Story.
Total 3

SB 371 - That SB 371 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 47

Noes: Daniels, Jacobson, Van Valkenburg.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 373 - That SB 373 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 381 - That SB 381 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 386 - That SB 386 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 390 - That SB 390 do pass. Motion carried as follows:

Ayes: Aklestad, Boylan, Conover, Daniels, Dover, Elliott, Gage, Galt, Goodover, Graham, Hager, Hammond, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, McCallum, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Mr. President.
Total 28

Noes: Berg, Blaylock, Christiaens, Crippen, Eck, Etchart, Fuller, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Thomas, Towe, Van Valkenburg.
Total 21

Excused: None.
Total 0

Absent or not voting: Brown.
Total 1

Senator Etchart in the Chair.

SB 392 - That SB 392 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Regan.
Total 1

Excused: None.
Total 0

Absent or not voting: Boylan, Dover, Hager, Lynch, Shaw, Story.
Total 6

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. President Pro Tempore Kolstad in the Chair. Chairman Elliott moved the adoption of the committee report. Report adopted.

At the request of Senator Stephens, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Stephens moved that SB 283 be taken from engrossing and that it be placed on second reading. Motion carried as follows:

Ayes: Aklestad, Boylan, Brown, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, D. Manning, Marbut, McCallum, Mohar, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 32

Noes: Berg, Blaylock, Christiaens, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator McCallum moved that SB 460 be taken from the Committee on Local Government and that it be referred to the Committee on Business and Industry. Motion carried unanimously.

Senator R. Manning moved that the Senate reconsider its action in adopting the adverse committee report on SB 306 and that it be printed and placed on second reading. Motion failed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Eck, Fuller, Halligan, R. Manning, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 14

Noes: Aklestad, Boylan, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, Marbut, Mazurek, McCallum, Ochsner, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 34

Excused: None.
Total 0

Absent or not voting: Daniels, D. Manning.
Total 2

At the request of President Pro Tempore Kolstad, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly enrolled: SJR 1.
Examined by the sponsor (Hazelbaker) and found to be correct: SJR 1.
Signed by the President at 5:00 p.m., 2/17/83: HB 95.
Signed by the President at 5:10 p.m., 2/17/83: SJR 1.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 6:21 p.m., until Thursday, February 18, 1983, at the hour of 2:30 p.m.

ALLEN C. KOLSTAD
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

FORTY-FIRST LEGISLATIVE DAY

Helena, Montana
February 18, 1983

Senate Chambers
State Capitol

Senate convened at 2:30 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Boylan, Severson, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the fortieth legislative day, find the same to be correct.

Tveit, Chairman

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 462, introduced by Towe. Referred to Committee on Taxation.
SB 463, introduced by McCallum, B. Brown, Fuller, Mohar. Referred to Committee on Labor and Employment Relations.
SB 464, introduced by Keating, Dover, Wallin, Underdal, Hannah, Fagg, Curtiss, Kitselman, Asay, Ellison, Ryan, Solberg, Vinger, Stimatz. Referred to Committee on Judiciary.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 108, SB 224, SB 242, SB 246, SB 297, SB 308, SB 325, SB 330, SB 332, SB 333, SB 382, SB 394, SB 398, SB 403, SB 414, SB 453, SJR 18.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
SB 420, do pass. Report adopted.
SB 423, introduced bill, be amended as follows:

1. Page 1, line 15.
Following: "indebtedness"
Insert: "for financing directly or indirectly the construction, maintenance, or operation of nuclear power generating facilities"

2. Page 1, line 18.
Following: "members"
Insert: "present and voting at the meeting"

And, as amended, do pass. Report adopted.

SB 432, do pass. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
SJR 14, do pass. Report adopted.

JUDICIARY (Turnage, Chairman):
SB 155, introduced bill, be amended as follows:

1. Title, line 4.
Strike: "GIVING"

Insert: "VESTING"

2. Title, lines 5 through 7.
Following: "PROPERTY"
Strike: remainder of line 5 and lines 6 and 7 in their entirety

3. Title, line 7.
Following: "MCA."
Insert: "WITH ANY INTEREST ABANDONED BY THE STATE IN PROPERTY ACQUIRED FOR ESTABLISHMENT OF A HIGHWAY."

4. Page 1, line 10.
Strike: section 1 in its entirety
Insert: "Section 1. Abandoned highway property — title vests in contiguous owner. (1) Upon abandonment by the state in the manner provided in subsection (2) of an interest in real property acquired for the purpose of establishment of a highway, the owner of contiguous real property or his successor in interest is vested with the abandoned interest to the extent provided in subsection (3).

(2) For the purposes of this section:

(a) a fee simple interest may be abandoned only by the proper order of the commission; and

(b) an interest of less than fee simple may be abandoned in the manner provided in subsection (a), by operation of law, and by judgment of a court of competent jurisdiction.

(3) The interest acquired by the contiguous property owner under subsection (1) is the abandoned interest or portion of such interest:

(a) if there are different contiguous property owners on each side of the abandoned interest, bounded on one side by the contiguous property and on the remaining two opposite sides by lines following the shortest distance from the extreme ends of the contiguous property to the center of the abandoned interest; and

(b) if the owners of the contiguous property on each side of the abandoned interest are one and the same, bounded on two opposite sides by the contiguous properties and on the two remaining opposite sides by lines following the shortest distance from the extreme ends of the contiguous property on one side of the abandoned interest to the extreme ends of the contiguous property on the other side of the abandoned interest.

(4) For the purpose of this section, an interest in property abandoned by a proper order of the commission includes an interest in property that the commission determines to be unnecessary to the laying out, altering, construction, improvement, or maintenance of a highway, whether or not the commission determines to sell such interest."

And, as amended, do pass. Report adopted.

SB 313, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "SUSPEND OR REVOKE"
Insert: "SEIZE"

2. Title, line 8.

Strike: "A PERIOD OF REVOCATION AND"
Insert: "FOR SUSPENSION OR REVOCATION OF THE LICENSE BY THE MOTOR VEHICLE DIVISION;"

3. Page 2, lines 14 and 15.
Strike: "suspend" through "driver by"

4. Page 2, line 15.
Strike: "seizing"
Insert: "seize"

5. Page 2, line 25.
Following: "~~60 days~~"
Insert: "Upon receipt of the report, the division shall suspend the license for the period provided in subsection (5)"

6. Page 3, line 3.
Strike: "notice of suspension or revocation and a"

7. Page 3, line 8.
Strike: "6 months"
Insert: "90 days"

8. Page 3, line 12.
Strike: "1 year"
Insert: "6 months"

9. Page 3, line 14.
Strike: "have been served"

10. Page 3, line 17.
Strike: "notice and temporary"

And, as amended, do pass. Report adopted.

SB 347, introduced bill, be amended as follows:

1. Title, line 6.
Following: "USE"
Strike: "; AMENDING SECTION 70-19-405, MCA"

2. Page 1, line 9.
Strike: "NEW SECTION."

3. Page 1, line 9.
Following: "easement"
Insert: "not acquired by recreational use"

4. Page 1, lines 9 through 13.
Strike: "(1)" through "(2)"

5. Page 1, line 16.
Strike: section 2 in its entirety

And, as amended, do pass. Report adopted.

SB 388, introduced bill, be amended as follows:

1. Page 1, line 13.
Strike: "on its own motion or"

2. Page 1, line 21.
Strike: "adopt a verified written complaint or"

3. Page 2, line 1.

Strike: "commission's motion or the"

4. Page 2, line 4.
Strike: "adopted or"

And, as amended, do pass. Report adopted.

SB 409, introduced bill, be amended as follows:

1. Title, line 5.
Following: "AN ACT"
Insert: "CLARIFYING THE LAW REGARDING THE REVOCATION OF A DEFERRED OR SUSPENDED SENTENCE;"

And, as amended, do pass. Report adopted.

SJR 15, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
HB 205, be concurred in. Report adopted.
HB 353, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
SB 451, do pass. Report adopted.
SJR 12, introduced bill, be amended as follows:

1. Title, line 5.
Strike: "REQUIRING"
Insert: "SUGGESTING THAT"

2. Title, line 6.
Strike: "TO"
Following: "INCLUDE"
Strike: "OFFICE"
Insert: "WORK"

3. Title, line 7.
Strike: "EACH LEGISLATOR"
Insert: "LEGISLATORS"

4. Page 1, line 25.
Following: "of"
Strike: "office"
Insert: "work"
Following: "for"
Strike: "each"

5. Page 2, line 1.
Strike: "Legislator wherein the Legislator has"
Insert: "Legislators where Legislators have access to"
Following: "and"
Strike: "a"

6. Page 2, line 2.
Following: "filing"
Strike: "cabinet"
Insert: "space"

And, as amended, do pass. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
SB 319, introduced bill, be amended as follows:

1. Page 2, line 12.

Following: "officer"
Insert: "with more than 5 years of service"

2. Page 2, lines 13 and 14.
Strike: "beginning at the completion of the officer's first year of employment"

3. Page 3, line 10.
Following: "officer"
Insert: "with more than 5 years of service"

4. Page 3, lines 11 and 12.
Strike: "beginning at the completion of the officer's first year of employment"

And, as amended, do pass. Report adopted.

SB 322, introduced bill, be amended as follows:

1. Title, line 6.
Following: "UTILITIES;"
Strike: "REMOVING THE LIMITATION ON ANNUAL RATE INCREASES THAT MAY BE MADE BY THE MUNICIPALITY; PROVIDING FOR PUBLIC REPORTS ON THE UTILITY; AUTHORIZING THE PUBLIC SERVICE COMMISSION TO PROVIDE TECHNICAL ASSISTANCE; AMENDING SECTIONS 69-7-101 AND 69-7-121, MCA; AND"

2. Title, line 11.
Following: "1981"
Strike: ", IMMEDIATELY; REPEALING SECTION 69-7-102, MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 1, line 15 through page 2, line 21.
Strike: sections 1 through 3 in their entirety
Renumber: subsequent sections

4. Page 3, lines 2 through 6.
Strike: sections 5 and 6 in their entirety
Renumber: subsequent section

5. Page 3, line 7.
Following: "date."
Strike: "Section 4"
Insert: "This act"

And, as amended, do pass. Report adopted.

SB 412, do pass. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
SB 17, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Towe, Turnage, Van Valkenburg, Mr. President.
Total 44

Noes: Haffey, Mazurek, Thomas, Tveit.
Total 4

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

JUDICIARY (Turnage, Chairman):
SB 385, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Eck, Jacobson, Lynch, R. Manning, Stimatz.
Total 5

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

LOCAL GOVERNMENT (McCallum, Chairman):
SB 458, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Mohar, Ochsner, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Eck, Jacobson, Marbut, Norman, Regan, Stimatz.
Total 6

Excused: Boylan, Severson.
Total 2

Absent or not voting: Shaw.
Total 1

STATE ADMINISTRATION (Story, Chairman):
SB 341, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Brown, Conover, Dover, Elliott, Etchart, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, D. Manning, Marbut, McCallum, Norman, Ochsner, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 32

Noes: Berg, Blaylock, Christiaens, Crippen, Daniels, Eck, Fuller, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Regan, Towe.

Total 15

Excused: Boylan, Severson.
Total 2

Absent or not voting: Galt.
Total 1

SB 372, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, D. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Mr. President.
Total 34

Noes: Blaylock, Christiaens, Eck, Fuller, Haffey, Jacobson, Lynch, R. Manning, Mohar, Regan, Towe, Van Valkenburg.
Total 12

Excused: Boylan, Severson.
Total 2

Absent or not voting: Brown, Halligan.
Total 2

SB 405, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Daniels, Eck, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Halligan, Hammond, Jacobson, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 36

Noes: Crippen, Dover, Galt, Hager, Hazelbaker, Himsl, Keating, Kolstad, Lee, Smith, Mr. President.
Total 11

Excused: Boylan, Severson.
Total 2

Absent or not voting: Elliott.
Total 1

SB 443, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Elliott, Gage, Galt, Lee, Smith.
Total 5

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 457, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Conover, Crippen, Daniels, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, D. Manning, Marbut, Ochsner, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Mr. President.
Total 26

Noes: Berg, Blaylock, Brown, Christiaens, Dover, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, McCallum, Mohar, Norman, Regan, Thomas, Towe, Van Valkenburg.
Total 21

Excused: Boylan, Severson.
Total 2

Absent or not voting: Elliott.
Total 1

SB 426, do pass. Report adopted.
SB 435, do pass. Report adopted.
SB 438, do pass. Report adopted.
SB 452, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 452

The general purpose of SB 452 is to provide incentives to citizens to make suggestions or to create inventions that reduce the costs of government operations or improve government operations without increasing costs. The discretion of the Department of Administration in granting awards is limited to 10% of the cost savings realized in the first year or $500, whichever is less. Larger awards may be proposed, but the Legislature must approve the awards and appropriate the money.

The purpose for giving the Department of Administration rulemaking authority is that it can best administer the program consistently throughout state government and determine the amount of money appropriate for an incentive award.

It is contemplated that the rules should address the following:

(1) the procedures and bylaws that the Advisory Council will follow when conducting its business;

(2) standards to assure administration of the program on a statewide basis;

(3) forms that may be necessary to administer the provisions in the bill;

(4) procedures for detailed investigations and evaluations of suggestions;

(5) methods for soliciting ideas;

(6) procedures for filing suggestions with the Department;

(7) time limits for the review of suggestions and inventions;

(8) procedures for the presentation of suggestions or inventions to the Legislature when the legitimate value of the ideas exceeds the $500 limit in the bill;

(9) procedures covering the timely payment of cash awards that are approved by the Department;

(10) procedures to maintain the integrity of the program through the review of awards to assure that they are granted equitably, on the basis of merit, and that the reasons for granting an award are made public.

SB 455, do pass. Report adopted.
SJR 21, do pass. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

February 17, 1983

Dear Mr. President:

This is to inform you that I have signed the following measure this date:

Senate bill 81.

Sincerely,

Ted Schwinden
Governor

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

February 18, 1983

Dear Mr. President:

This is to inform you that I have signed the following measure this date:

Senate bill 10.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 2/17/83

HB 129, introduced by Kitselman

HB 144, introduced by J. Brown

HB 220, introduced by Hannah

HB 306, introduced by Ernst

HB 477, introduced by Waldron

HB 491, introduced by Dozier, Williams

HB 493, introduced by Yardley, Dover

HB 501, introduced by Farris, et al.

HB 527, introduced by Schye, Etchart

HB 530, introduced by Bardanouve

HB 575, introduced by Lory, et al.

HB 579, introduced by Dozier, Williams

HB 581, introduced by Fabrega, et al.

HB 609, introduced by Spaeth, et al.

HB 644, introduced by Yardley, Williams

HB 660, introduced by Hansen, Christiaens

HB 684, introduced by Ramirez, et al.

HB 693, introduced by Switzer

MOTIONS

Senator Graham moved that SB 309 be taken from the Committee on Bills and that it be printed and placed on second reading. Motion carried unanimously.

Senator Fuller moved that the Senate reconsider its action in adopting the adverse committee report on SB 457 and that it be printed and placed on second reading. Motion failed as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Kolstad, Lane, Lynch, R. Manning, Mazurek, McCallum, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 24

Noes: Aklestad, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Lee, Marbut, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 24

Paired: Regan, Aye; Severson, No.

Excused: Boylan.
Total 1

Absent or not voting: D. Manning.
Total 1

Senator Smith moved that the Senate reconsider its action in adopting the adverse committee report on SB 443 and that it be printed and placed on second reading. Motion carried as follows:

Ayes: Aklestad, Brown, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Goodover, Graham, Haffey, Hammond, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 33

Noes: Berg, Blaylock, Christiaens, Eck, Fuller, Hager, Halligan, Hazelbaker, Himsl, Regan, Van Valkenburg.
Total 11

Excused: Boylan, Severson.
Total 2

Absent or not voting: Gage, Galt, D. Manning, Story.
Total 4

Senator Dover moved that the Senate reconsider its action in adopting the adverse committee report on SB 405 and that it be printed and placed on second reading. Motion failed as follows:

Ayes: Aklestad, Crippen, Dover, Elliott, Galt, Goodover, Hager, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, Mazurek, Shaw, Smith, Towe, Turnage, Tveit, Mr. President.
Total 20

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Daniels, Etchart, Fuller, Gage, Graham, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Mohar, Norman, Ochsner, Regan, Stimatz, Thomas, Van Valkenburg.
Total 23

Excused: Boylan, Severson.
Total 2

Absent or not voting: Eck, Hammond, D. Manning, McCallum, Story.
Total 5

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 129, introduced by Kitselman. Referred to Committee on Local Government.
HB 144, introduced by J. Brown, (By Request of the Department of Military Affairs). Referred to Committee on Finance and Claims.
HB 220, introduced by Hannah. Referred to Committee on Judiciary.
HB 306, introduced by Ernst. Referred to Committee on Local Government.
HB 477, introduced by Waldron. Referred to Committee on Local Government.
HB 491, introduced by Dozier, Williams. Referred to Committee on Local Government.
HB 493, introduced by Yardley, (By Request of the Department of Administration). Referred to Committee on State Administration.
HB 501, introduced by Farris, Christiaens, Eck, Berg, Mohar, Darko, R. Manning, Driscoll, Bachini, Howe, (By Request of the Human Rights Commission). Referred to Committee on Judiciary.
HB 527, introduced by Schye, Etchart. Referred to Committee on Business and Industry.
HB 530, introduced by Bardanouve, (By Request of the Department of Administration). Referred to Committee on Judiciary.
HB 575, introduced by Lory, Winslow, Addy, Ramirez. Referred to Committee on Judiciary.
HB 579, introduced by Dozier, Williams. Referred to Committee on State Administration.
HB 581, introduced by Fabrega, Bergene, Hemstad, Nordtvedt, Yardley. Referred to Committee on Taxation.
HB 609, introduced by Spaeth, Ramirez, Addy, Keyser, (By Request of the Department of Justice). Referred to Committee on Judiciary.
HB 644, introduced by Yardley, Williams, (By Request of the Department of Revenue). Referred to Committee on Taxation.
HB 660, introduced by Hansen, Christiaens, (By Request of the Commission for Human Rights). Referred to Committee on Judiciary.
HB 684, introduced by Ramirez, Hand, Curtiss, Daily. Referred to Committee on Judiciary.
HB 693, introduced by Switzer. Referred to Committee on State Administration.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 166 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Galt, Hammond.
Total 2

Paired: Boylan, Aye; Hammond, No.

Excused: Severson.
Total 1

Absent or not voting: D. Manning.
Total 1

SB 294 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: D. Manning.
Total 1

SB 295 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: D. Manning.
Total 1

SB 339 passed as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Conover, Crippen, Dover, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker,

Himsl, Keating, Kolstad, Lee, D. Manning, Marbut, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Thomas, Turnage, Tveit, Mr. President.
Total 31

Noes: Berg, Christiaens, Daniels, Eck, Elliott, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Regan, Stimatz, Story, Towe, Van Valkenburg.
Total 19

Paired: Boylan, Severson, Ayes; Eck, Mazurek, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 340 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Mohar, Towe.
Total 2

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 350 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Shaw.
Total 1

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

HB 190 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw,

Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the Senate recess until 4:21 p.m. Motion carried unanimously.

Senate recessed at 3:22 p.m.

Senate resumed at 4:24 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Goodover in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 309 - That SB 309, second reading copy, be amended as follows:

1. Page 9, line 12.
Following: line 11
Insert: "(iv) salaries and fees, including allowances, rewards, and contingency fees;"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

That SB 309, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl,

Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SJR 10 - That SJR 10, second reading copy, be amended as follows:

1. Title, line 6.
Following: "STATES TO"
Strike: remainder of line 6 through "DEFICIT" on line 9
Insert: "CONDUCT GOOD FAITH NEGOTIATIONS WITH THE SOVIET UNION ON THE REDUCTION OF NUCLEAR WEAPONS; TO STOP THE DEVELOPMENT, PRODUCTION, AND DEPLOYMENT OF NEW NUCLEAR WEAPONS BY THE UNITED STATES, THE SOVIET UNION, OR OTHER NATIONS OF THE WORLD; TO INCREASE FUNDING FOR HUMAN SERVICES AND JOBS PROGRAMS AS AGREED TO BY PRESIDENT REAGAN AND SPEAKER O'NEILL AND IN SO DOING TO REDUCE THE FEDERAL BUDGET DEFICIT."

2. Page 1, line 18.
Strike: line 18 through page 2, line 10
Insert: "WHEREAS, one of the greatest continuing challenges facing mankind is to prevent the outbreak of nuclear war; and

WHEREAS, there is increasing concern worldwide over the risk of nuclear war; and

WHEREAS, good faith negotiations between the United States and the Soviet Union on reduction of strategic and intermediate-range nuclear weapons are essential to the prevention of nuclear war, the proliferation of such weapons, and more productive utilization of world resources; and

WHEREAS, the recently agreed-to $4.1 billion jobs bill, a $3 billion extension of unemployment benefits, and $250 million for food and shelter for the homeless, which would initially bring jobs to over 360,000 Americans, by President Reagan and Speaker O'Neill are important steps in meeting this country's social responsibilities; and

WHEREAS, President Reagan and Speaker O'Neill have reached a bipartisan consensus on major portions of this bill with a final total agreement expected shortly; and

WHEREAS, a bipartisan approach to the problem of unemployment and hunger would speed aid to those most in need; and

WHEREAS, a reduction in arms and more employment would yield a lower defense budget, stronger, more productive economy, lower budget deficit, and better economic and more healthful and safe future for all Americans."

3. Page 2, line 15.
Following: "urged to"
Strike: remainder of line 15 through "deficit" on line 18
Insert: "conduct good faith negotiations with the Soviet Union on the reduction of nuclear weapons; to stop the development, production, and deployment of new nuclear weapons by the United States, the Soviet Union, or other nations of the world; to increase funding for human services and jobs programs as agreed to by President Reagan and Speaker O'Neill and in so doing to reduce the federal budget deficit."

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

That SJR 10, as amended, do pass. Motion carried as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 39

Noes: Aklestad, Etchart, Galt, Goodover, Hammond, Lee, Tveit.
Total 7

Excused: Boylan, Severson.
Total 2

Absent or not voting: Marbut, Story.
Total 2

SB 283 - That SB 283, without objection, be moved below SB 281.

SB 190 - That SB 190 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.

Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 203 - That SB 203 do pass. Motion carried as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Fuller, Galt, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Stimatz, Story, Towe, Turnage, Mr. President.
Total 36

Noes: Aklestad, Etchart, Gage, Goodover, Hammond, Smith, Thomas, Tveit.
Total 8

Excused: Boylan, Severson.
Total 2

Absent or not voting: Elliott, D. Manning, R. Manning, Van Valkenburg.
Total 4

SB 225 - That SB 225, second reading copy, be amended as follows:

1. Title, line 8.
Strike: "FROM 5 TO 10 DAYS"

2. Title, line 10.
Following: "EVALUATION"
Insert: "AND PROCESSING COMMITMENT PROCEEDINGS"
Strike: "PROVIDING" through "COMMITMENT;" on line 13

3. Page 2, line 19.
Strike: "10"
Insert: "5"

4. Page 2, line 20.
Following: "release"
Insert: "provided that in the event a petition is filed under 53-21-121 and 53-21-122, he may be detained for the time necessary to process a commitment proceeding as provided in 53-21-124"
Strike: ", If" through "ADMISSION" on line 21

5. Page 3, line 18.
Strike: "10"
Insert: "5"

6. Page 3, line 19.
Following: "(3);"
Strike: remainder of line 19 through "ADMISSION"
Insert: ", provided that in the event a petition is filed under 53-21-121 and 53-21-122, he may be detained for the time necessary to process a commitment proceeding as provided in 53-21-124"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover,

Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

That SB 225, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 227 - That SB 227 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 243 - That SB 243 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 47

Noes: Gage.
Total 1

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 247 - That SB 247 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 281 - That SB 281 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 283 - That SB 283, second reading copy, be amended as follows:

1. Page 4.
Following: line 6
Insert: "Upon approval from the department of revenue,"

2. Page 4, line 7.
Strike: "The"
Insert: "the"

3. Page 5, line 25.
Following: "system."
Insert: "The total amount of credit available to all taxpayers may not exceed $250,000 for any tax year."

Substitute motion that consideration on SB 283 be passed. Motion carried as follows:

Ayes: Aklestad, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hammond, Hazelbaker, Himsl, Keating, Kolstad, D. Manning, McCallum, Ochsner, Shaw, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 24

Noes: Berg, Blaylock, Christiaens, Conover, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lee, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Stimatz, Van Valkenburg.
Total 20

Excused: Boylan, Severson.
Total 2

Absent or not voting: Brown, Hager, Lane, Smith.
Total 4

Senator Kolstad in the Chair.

SB 292 - That SB 292 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lee, Lynch, D. Manning, Marbut, Ochsner, Shaw, Smith, Stimatz, Thomas, Turnage, Tveit, Mr. President.
Total 32

Noes: Blaylock, Halligan, Lane, Mazurek, Mohar, Norman, Regan, Towe.
Total 8

Excused: Boylan, Severson.
Total 2

Absent or not voting: Brown, Galt, Hager, Kolstad, R. Manning, McCallum, Story, Van Valkenburg.
Total 8

Senator Goodover in the Chair.

SB 300 - That SB 300 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 342 - That SB 342 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover,

Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 351 - That SB 351 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Brown, Christiaens, Conover, Crippen, Dover, Elliott, Fuller, Gage, Galt, Goodover, Graham, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 39

Noes: Blaylock, Daniels, Eck, Etchart, Haffey, Norman, Regan, Van Valkenburg.
Total 8

Excused: Boylan, Severson.
Total 2

Absent or not voting: Hager.
Total 1

SB 354 - That SB 354 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 378 - That SB 378 do pass. Motion carried as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Fuller, Haffey, Jacobson, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 23

Noes: Aklestad, Dover, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, McCallum, Mohar, Ochsner, Shaw, Smith, Turnage, Tveit, Mr. President.
Total 22

Excused: Boylan, Severson.
Total 2

Absent or not voting: Graham, Halligan, Story.
Total 3

SB 383 - That SB 383 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Brown, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Goodover, Haffey, Halligan, Hammond, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Ochsner, Shaw, Smith, Stimatz, Towe, Turnage, Tveit, Mr. President.
Total 32

Noes: Blaylock, Christiaens, Eck, Mohar, Regan.
Total 5

Excused: Boylan, Severson.
Total 2

Absent or not voting: Galt, Graham, Hager, Hazelbaker, Marbut, Mazurek, McCallum, Norman, Story, Thomas, Van Valkenburg.
Total 11

SB 387 - That SB 387 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 391 - That SB 391 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Severson.

Total 2

Absent or not voting: None.
Total 0

SB 395 - That SB 395 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

Senator Conover excused at 6:32 p.m.

SB 402 - That SB 402 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Boylan, Conover, Severson.
Total 3

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Goodover moved the adoption of the committee report. Report adopted.

At the request of Senator Turnage, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Turnage moved that SB 283 be taken from second reading and that it be referred to the Committee on Taxation. Motion carried unanimously.

Senator Marbut moved that SB 396 be taken from the Committee on Natural Resources and that it be printed and placed on second reading. Motion failed as follows:

Ayes: Brown, Dover, Eck, Elliott, Galt, Hager, Keating, Lee, Marbut, McCallum, Regan, Shaw, Story, Van Valkenburg, Mr. President.

Total 15

Noes: Aklestad, Berg, Blaylock, Christiaens, Crippen, Etchart, Fuller, Gage, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Ochsner, Smith, Stimatz, Turnage, Tveit.
Total 26

Excused: Boylan, Conover, Severson.
Total 3

Absent or not voting: Daniels, Goodover, Graham, Kolstad, Thomas, Towe.
Total 6

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly engrossed: SB 40, SB 266, SB 291, SB 298, SB 302, SB 305, SB 315, SB 353, SB 356, SB 373, SB 389, SB 390, SB 392.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
SB 370, introduced bill, be amended as follows:

1. Page 2, lines 20 and 21.
Strike: "<u>but not limited to</u>"

2. Page 3, line 4.
Following: "~~rights~~"
Insert: "or for the issuance of certificates of existing rights"

3. Page 20, line 18.
Strike: "(1)"

4. Page 20, line 24.
Strike: subsection (2) in its entirety

5. Page 21, line 4.
Strike: "(3)"

6. Page 21, line 21.
Following: "~~85-2-309~~"
Strike: remainder of line 21 through "<u>Helena.</u>" on line 24

7. Page 23, line 3.
Following: "chapter"
Strike: "3"
Insert: "4"

And, as amended, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 370

A statement of intent is required for this bill because it delegates rulemaking authority to the Department of Natural Resources and Conservation in sections 1 and 17.

The intent is to provide the Department with the authority to adopt rules necessary to reject, modify, or condition water use permit applications in highly appropriated basins or subbasins. A rule may only be

adopted under this section upon a petition signed by a certain percentage of water users in the source of supply or by direction of the Legislature. The petition must allege certain facts showing the need for the adoption of a rule. The Department must act on the petition within 60 days by: denying the petition and providing reasons to the petitioners; informing the petitioners that additional study of the allegations is necessary before denying or proceeding with the petition; or initiating the rulemaking proceeding. The rulemaking procedure must follow the notice requirements of the Montana Administrative Procedure Act and in addition the Department must publish notice of the rulemaking hearing once a week for three successive weeks in a newspaper of general circulation in which the source is located, and also serve an individual copy of the notice on any known water right holder in the source of supply according to the Department's records.

This bill also delegates rulemaking authority to the Board of Natural Resources and Conservation in section 2.

The intent is to provide the Board with the authority to adopt, through rules, fees to be paid by applicants, petitioners, and others for services provided. Fees could be adopted for: rulemaking hearings to reject, modify, or condition water use permit applications in highly appropriated basins or subbasins; administrative hearings conducted by the Department to settle objections to permit or change applications; costs incurred during the field investigation of a complaint against a permittee and related revocation proceedings; and for costs incurred in the field verification of issued and completed permits and change approvals.

First adopted by the Senate Agriculture, Livestock and Irrigation Committee on the 18th day of February, 1983.

SB 317, introduced bill, be amended as follows:

1. Title, line 10.
Strike: "INCREASING COVERAGE LIMITS;"

2. Title, line 12.
Strike: "80-2-208,"
Following: "80-2-228,"
Insert: "80-2-232,"
Following: "80-2-241"
Strike: ","

3. Title, line 13.
Strike: "80-2-242, AND"
Insert: "THROUGH"

4. Page 18, line 20.
Strike: section 8 in its entirety
Renumber: subsequent sections

5. Page 23, line 24.
Following: line 23
Insert: "Section 12. Section 80-2-232, MCA, is amended to read:

"80-2-232. State treasurer's duty — transfer of funds — warrants — transfers to county and state general fund. (1) The state treasurer shall receive all moneys paid to him under this part and shall place same to the credit of the agency fund and may from time to time transfer to the earmarked revenue fund such sums as the board of hail insurance may deem necessary and proper to pay the expenses of administration. All moneys collected by the board shall be deposited in the agency fund, and all losses shall be paid from

that fund. All other costs are administrative expenses and shall be paid from the board's account in the earmarked revenue fund. If registered warrants be presented and there be no money to pay the same, such warrants shall be registered and thereafter bear interest at the rate of 4% per annum until called for payment by the state treasurer. If at any time more funds are in the earmarked revenue fund than the board estimates are needed for administrative expenses, the state treasurer may on the order of the board transfer such funds back to the agency fund as the board may direct.

(2) Upon warrants drawn by order of the board, the state treasurer shall pay out of the board's account in the agency fund to the county treasurer of each county where state hail insurance coverage is in force ~~1%~~ 2% of the gross annual levies made and collected in such county under this part for the use of the county as the board of county commissioners may determine.

(3) Upon authorization from the board of hail insurance, the state treasurer shall transfer out of the board's account in the agency fund to the general fund of the state of Montana ~~2%~~ 1.5% of the gross annual levies made and collected in the state of Montana.""

Renumber: subsequent sections

6. Page 25, line 14.
Following: line 13
Insert: "Section 15. Section 80-2-243, MCA, is amended to read:

"80-2-243. Disputed appraisal. (1) In case the party that has sustained the loss is dissatisfied with and refuses to accept the adjustment made by the official appraiser, then he shall have the right to appeal to the board of hail insurance. He shall make such appeal by registered or certified mail within 10 days after receiving the adjustment offer of the board in writing. Also the board may require the posting of a cash bond of ~~$10~~ $25 with the request for reappraisal of the first adjustment. In cases where the board requires the posting of the ~~$10~~ $25 bond, the board may retain it if no increase is allowed. If an increase is obtained, the board will return the bond to the claimant.

(2) In case the adjuster who makes the second appraisal fails to secure an agreement, the claimant may at his option submit the matter to arbitration as herein provided or sue the board in the district court of the county where the loss occurred, within 90 days from the date of receipt of written notice of the second appraisal. Such actions shall be trials de novo and the Montana Rules of Civil Procedure shall apply. Where any claimant demands arbitration, he shall, if required by the board, furnish a cash bond to the board in the sum of ~~$25~~ $50 which shall accompany his application. If there is not sufficient allowance made to any claimant after arbitration to cover the cost of arbitration without the use of the ~~$25~~ $50 bond, then the board may use a part or all of said cash bond. In cases where the claimant secures an increase, the bond shall be promptly returned to the claimant. If the claimant elects to submit the matter to arbitration, he shall then appoint one disinterested person as appraiser and the official appraiser shall appoint another person as appraiser and the two shall select a third disinterested person and the three shall then proceed to adjust the loss in the same manner as specified in 80-2-242. The judgment of the majority shall be the judgment of said appraisers and shall be binding upon both parties as the final determination of said loss.

(3) (a) If the insured does not recover a greater sum than allowed by the official appraiser in the first instance, he shall pay the expenses of the three appraisers and their witnesses in making said adjustment, but if he is awarded a larger sum, then the same shall be paid by the board.

(b) If the insured shall be required to pay the expenses of such reappraisement as above provided, the board is hereby authorized to deduct the amount of such expenses from the amount allowed said insured before making settlement for said loss.

(4) The board shall examine all reports of appraisers and verify the same and adjust all losses and for such purposes may order hearings, subpoena witnesses, conduct examinations, and do all things necessary to secure a fair and impartial appraisement of losses by hail.""

Renumber: subsequent sections

7. Page 26, line 9.
Strike: "$30"
Insert: "$24"
Strike: "$60"
Insert: "$48"

8. Page 26, lines 10 and 11.
Following: "lands"
Strike: ", and ~~$24~~ $30 per acre on hay crops"

And, as amended, do pass. Report adopted.

NATURAL RESOURCES (Dover, Chairman):

SB 368, introduced bill, be amended as follows:

1. Title, line 6.
Following: "AUTHORITY"
Strike: "OR CREATE ANY RIGHT OF ACTION BEYOND ONE TO REQUIRE AN ENVIRONMENTAL IMPACT STATEMENT"

2. Page 1, line 16.
Following: "chapter"
Strike: "creates any right of action beyond one to require an environmental impact statement or"

And, as amended, do pass. Report adopted.

SB 430, introduced bill, be amended as follows:

1. Page 2, lines 5 through 7.
Strike: subsection (c) in its entirety
Renumber: subsequent subsections

2. Page 2, line 18.
Following: "(a)"
Strike: "through"
Insert: "and (4)(b)"

3. Page 2, line 19.
Strike: "(4)(c)"
Following: "69-3-601"
Strike: "or any combination of those sources"

4. Page 2, line 24.
Following: "(4)(a)"

Strike: "through (4)(c)"
Following: "69-3-601"
Strike: "or any"

5. Page 2, line 25.
Strike: "combination of those sources"

And, as amended, do pass. Report adopted.

SB 441, introduced bill, be amended as follows:

1. Page 2, lines 4 and 5.
Strike: lines 4 and 5 in their entirety
Renumber: subsequent subsections

2. Page 2, lines 6 and 7.
Strike: lines 6 and 7 in their entirety
Insert: "(g) barrels of oil and/or cubic feet of gas for which payment is made;"
Renumber: subsequent subsections

3. Page 2, line 8.
Strike: line 8 in its entirety
Renumber: subsequent subsections

4. Page 2, line 9.
Strike: "any state"
Following: "withheld"
Insert: ";"

5. Page 2, line 10.
Strike: line 10 in its entirety
Renumber: subsequent subsections

6. Page 2, line 11.
Strike: "the product produced; and"
Insert: "production;"

7. Page 2, lines 12 and 13.
Strike: lines 12 and 13 in their entirety
Renumber: subsequent subsections

8. Page 2, line 14.
Following: "interest"
Strike: ";"

9. Page 2, line 15.
Strike: "(ii)"

10. Page 2, line 16.
Following: "person"
Insert: "purposely and knowingly"

11. Page 2, line 18.
Strike: "less"
Insert: "more"
Strike: "$10,000 or imprisoned"
Insert: "$1,000"

12. Page 2, lines 19 and 20.
Strike: lines 19 and 20 in their entirety

13. Page 4, line 21.
Strike: "on passage and approval"

Insert: "October 1, 1983"

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SB 404, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 404

A statement of intent is necessary because this act gives the Department of Social and Rehabilitation Services the authority to designate area Councils on Aging for senior citizen services. It is intended that the Department establish criteria for use by area agencies or entities who apply to be area agencies that set forth the administrative and services capabilities necessary for area agencies. The rules must be in conformance with applicable federal law but recognize community needs for community services.

SB 410, introduced bill, be amended as follows:

1. Page 2, line 22.
Strike: "but not limited to"

2. Page 6, lines 12 through 14.
Strike: ", imprisoned for a term not to exceed 30 days, or both. Each day of violation constitutes a separate offense"

And, as amended, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 410

A statement of intent is necessary for Senate Bill 410 because in Section 3 it delineates the rulemaking authority of the department for licensure under this bill. It is the intent of the Legislature that the department in making rules under this authority; provide procedural mechanism for licensure and operation of septic tank, cesspool, and privy cleaning businesses; establish minimum equipment requirements for licenses; timely procedures for inspection and evaluation; minimum requirements that protect the public health, safety and welfare for disposal of septage.

SB 418, introduced bill, be amended as follows:

1. Title, line 4.
Following: "ACT"
Insert: "TRANSFERRING THE END STAGE RENAL DISEASE PROGRAM TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES;"

2. Title, line 7.
Strike: "AND"
Insert: ";"

3. Title, line 8.
Following: "RULES;"
Insert: "AND ADOPTING NEW RULES GOVERNING THE END-STAGE RENAL DISEASE PROGRAM UNTIL SUCH TIME AS RULES ARE ADOPTED BY THE DEPARTMENT;"

4. Page 1, line 21.

Strike: "social and rehabilitation services"
Insert: "health and environmental sciences"

5. Page 2, line 2.
Strike: "all"

6. Page 2, lines 15 through 17.
Strike: "but" through "earned"

7. Page 2.
Following: line 21
Insert: "NEW SECTION. Section 3. Renal program rules adopted — expiration. The department of health and environmental sciences shall extend financial assistance under 53-6-202 to persons with chronic renal diseases in accordance with the following:

(1) The appropriate division shall extend financial assistance to eligible persons suffering from chronic renal diseases in obtaining the medical, nursing, pharmaceutical, and technical services necessary to care for such diseases; other services include but are not limited to kidney transplantation, surgery, hospitalization, psychological treatment, transportation for applicant, donor, or attendant, attendant training and attendant salary. These services may not exclude the rental or purchase of home dialysis equipment supplies, plumbing, wells, rewiring, and other adaptive equipment and supplies.

(2) The following eligibility requirements must be met:

(a) Applicants who are not financially able to obtain care and treatment on a continuing basis without causing severe economic imbalance to their family economic unit are eligible. Maximum or minimum income levels of the applicant or his or her family may not be considered.

(b) Vocational rehabilitation clients are not eligible unless:

(i) a reasonable period of time has elapsed (generally 6 months) during which evaluative services were provided; and

(ii) a medical determination of nonfeasibility can be shown at the close of the 6-month evaluation period.

(c) Applicants must be medically described as suffering from "chronic" end-stage renal disease, which does not include those persons with conditions which could potentially lead to the chronic state and does not include those persons with conditions medically defined as acute renal failure.

(d) Applicants eligible for medicare may be eligible if they meet the standards of this program, providing medicare benefits are fully utilized.

(e) Applicants eligible for the appropriate medicaid or medically needy programs are not eligible for this program until benefits from the medicaid and medically needy program are exhausted.

(f) Eligibility as to financial need must be determined by the economic need test as set forth in subchapter 4 of the social and rehabilitation services rules. Such standards shall be established without reference to maximum and minimum income levels.

(3) The following priority for services will be provided:

(a) training for dialysis (including transportation, room, and board);

(b) transplant costs;

(c) center dialysis (when justified);

(d) medications, for treatment of end-stage renal medical conditions;

(e) fistular surgery;

(f) dialysis machine rent, supplies, and repairs;

(g) costs to install dialysis machine at home, as necessary;

(h) plumbing, wiring, and related maintenance services; and

(i) attendant.

(4) The rules provided in subsection (1) are effective until such time as the department adopts appropriate rules under the Montana Administrative Procedure Act to implement the provisions of 53-6-202."

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 418

The Department of Social and Rehabilitation Services is currently required to adopt rules to implement a program of financial assistance for chronic renal diseased patients by rule. The Legislature considers it to be appropriate to provide guidance for the Department of Health and Environmental Sciences after transfer of this program.

It is the express intent of the Legislature that some financial assistance for treatment of chronic renal diseases be available to persons with end stage renal diseases. The amount of money provided must be dependent upon the effect that would be caused to the economic stability of the family if the diseased person and his family were to assume all of the expenses of treatment itself. Under the bill, the Department must examine not the "absolute" income levels of the person needing treatment and his family, but the degree to which that level of income, whatever it may be, would be affected by treatment expenses. For these purposes, the Legislature intends that the Department not involve itself in major subjective judgments as to the ability of a patient and his family to do without property or services which they consider essential.

SB 439, do pass. Report adopted.
SB 446, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 446

Senate Bill 446 requires a statement of intent because section 3 requires the Department of Health and Environmental Sciences to adopt standards for operation and licensing of personal-care facilities, and license, inspection, and patient screening fees, and in cooperation with other state agencies to adopt health and safety standards for personal-care facilities. It is

the intent of the Legislature that when the Department adopts rules to implement provisions of SB 446 that it utilize the report to the 48th Legislature by the Legislative advisory committee on Joint Resolution 34 and that the rules:

1. assure that licensees meet applicable fire, sanitation, building, and service standards;
2. provide as expeditious a licensing procedure as possible;
3. set inspection and patient screening fees that recover but do not exceed the cost of inspection and patient screening; and
4. include other state agencies in the development of those rules which fall in their areas of expertise and responsibility.

SB 447, introduced bill, be amended as follows:

1. Page 1, line 20.
Following: "inpatient"
Insert: "freestanding"

2. Page 2.
Following: line 19
Insert: "(3) "Inspecting authority" means the department or agency authorized by statute to perform a given inspection necessary for certification for licensure.

(4) "Licensing agency" means the agency that is authorized by statute to issue the license."

And, as amended, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 447

Senate Bill 447 requires a statement of intent because it authorizes the departments of health and environmental sciences, social and rehabilitation services, and institutions to adopt joint rules which would enable the agencies to coordinate their reviews of certain residential facilities over which they have jurisdiction. The intent of the legislature is that such rules will address cooperative review mechanisms, utilization of personnel, qualifications of inspectors, and delegation of review authority to other agencies. These rules will not affect the substantive standards or criteria under which the regulated facilities operate.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
SB 316, introduced bill, be amended as follows:

1. Page 5, line 1.
Strike: "60"
Insert: "30"

2. Page 6, line 17.
Strike: "$150,000"
Insert: "$250,000"

And, as amended, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 316

Section 1. This statement of intent is required by the rulemaking authority granted to the Montana Agricultural Loan Authority in sections 4, 8, and 9.

Section 2. It is the intent of the Legislature that the Montana Agricultural Loan Authority adopt rules for the orderly handling and processing of applications under the authority granted in this act to grant farm acquisition loans and to grant loans under the second loan program. The rules under section 8 are intended to be sufficiently specific to allow for an objective determination by the Department of Agriculture of which applicants should receive a farm acquisition loan from the Authority. The same criteria should be established by rule for the second loan program with special emphasis on need of the applicant and the applicant's possible prospects for success.

Section 3. It is the specific intent of the Legislature that the Montana Agricultural Loan Authority shall coordinate all loans made pursuant to Senate Bill 316 through the Farmers Home Administration, the Production Credit Association, the Federal Land Bank, and private lenders, or some other similar organization or organizations. The state director of the Farmers Home Administration has indicated to the Senate Taxation Committee that the FHA could screen worthy applicants, participate with a subordinated loan of its own, participate with a guaranteed loan, and fully service the loan. This would include taking care of any defaults in the event there are defaults by either paying off the state in full or working with the state, foreclosing on the farmland and immediately reselling it to apply the proceeds to the defaulted loan. It is the intent of the Legislature that this program coordinate with the Farmers Home Administration or other similar organizations including private lenders to the maximum extent possible so that the Montana Agricultural Authority will not itself need to service the loan or take care of any defaults.

First adopted by the Senate Committee on Agriculture, Livestock and Irrigation on the eighteenth day of February, 1983.

SB 355, do pass. Report adopted.
SB 415, do pass. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman):
SB 157, introduced bill, be amended as follows:

1. Title, line 5.
Following: "GIVE"
Strike: "PREFERENCE"
Insert: "CONSIDERATION"

2. Page 1, line 9.
Following: "State"
Strike: "preference"
Insert: "consideration"

3. Page 1, line 23.
Following: "give"
Strike: "preference"
Insert: "consideration"

4. Page 2, line 1.
Following: "alternatives."
Strike: remainder of line 1 through "officer" on line 4

And, as amended, do pass. Report adopted.

SB 445, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, Chairman):
SB 425, do pass. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
SB 173, do pass. Report adopted.
SB 428, do pass. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
SB 400, do pass. Report adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 6:49 p.m., until Saturday, February 19, 1983, at the hour of 10:00 a.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FORTY-SECOND LEGISLATIVE DAY

Helena, Montana
February 19, 1983

Senate Chambers
State Capitol

Senate convened at 10:00 a.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Boylan, Severson, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the forty-first legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
SB 401, introduced bill, be amended as follows:

1. Page 2, line 11.
Strike: "whether or not there are"
Insert: "if"
Following: "rights"
Insert: "are"

2. Page 2, line 15.
Following: "property, the"
Insert: "realty transfer"
Following: "certificate"
Insert: "executed under 15-7-305"

3. Page 3, lines 7 and 8.
Strike: "recordation by the county clerk and recorder and"

4. Page 3, lines 10 through 13.
Following: "shall" on line 10
Strike: remainder of line 10 through "forwarded" on line 13
Insert: ": (a) collect the fee required under subsection (1) and forward it"

5. Page 3, line 13.
Strike: "and must"
Insert: "to"

6. Page 3, line 15.
Following: "85-2-318"
Insert: "; and

(b) charge and collect a recording fee as provided for in 7-4-2632 for recording the document"

And, as amended, do pass. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, Chairman):
SB 463, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Conover, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, D. Manning, Marbut, Ochsner, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.

Total 29

Noes: Brown, Christiaens, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, McCallum, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 19

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

NATURAL RESOURCES (Dover, Chairman):
Minority Report

Minority Committee members are:

Senator Mohar
Senator Van Valkenburg
Senator Halligan
Senator Eck

SB 416, do pass. Thereupon, the minority committee report failed to be adopted as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Stimatz, Towe, Van Valkenburg.
Total 23

Noes: Aklestad, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Lynch, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 25

Paired: Regan, Aye; Severson, No.

Excused: Boylan.
Total 1

Absent or not voting: McCallum.
Total 1

Majority Report

SB 416, do not pass. Thereupon, the majority committee report was adopted as follows:

Ayes: Aklestad, Conover, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lee, Lynch, Mazurek, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Mr. President.
Total 29

Noes: Berg, Blaylock, Christiaens, Eck, Fuller, Haffey, Halligan, Lane, D. Manning, R. Manning, Marbut, Mohar, Norman, Ochsner, Regan, Towe, Van Valkenburg.
Total 17

Paired: Severson, Aye; Regan, No.

Excused: Boylan.

Total 1

Absent or not voting: Brown, Daniels, McCallum.
Total 3

SB 442, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: Blaylock, Graham, McCallum.
Total 3

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SB 274, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Conover, Crippen, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Norman, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 38

Noes: Christiaens, Daniels, Dover, Eck, Fuller, Jacobson, R. Manning, Mohar, Regan.
Total 9

Excused: Boylan, Severson.
Total 2

Absent or not voting: Ochsner.
Total 1

NATURAL RESOURCES (Dover, Chairman):
SB 362, introduced bill, be amended as follows:

1. Title, lines 6 and 7.
Strike: "AN INSPECTION COMMISSION"
Insert: "A TECHNICAL REVIEW COMMITTEE"

2. Title, line 7.
Strike: ", 85-15-102,"

3. Title, lines 8 and 9.
Following: "MCA"
Strike: remainder of line 8 and line 9 in its entirety
Insert: "."

4. Page 2, line 1.
Insert: "(3) "Board" means the board of natural resources and conservation provided for in 2-15-3302."

Renumber: subsequent subsections

5. Page 2, line 1.
Strike: "Commission"
Insert: "Committee"
Strike: "dam inspection commission"
Insert: "technical review committee"

6. Page 2, line 7.
Following: "greater"
Insert: "exclusive of mine tailing impoundment structures"

7. Page 3, line 21.
Following: "water"
Insert: ", exclusive of mine tailing impoundment structures"

8. Page 4, line 2.
Following: line 2
Insert: "NEW SECTION. Section 4. Construction in a secure manner. A person may not construct or cause to be constructed a dam or reservoir for the purpose of accumulating, storing, appropriating, or diverting any of the waters of this state, except in a thorough, secure, and substantial manner."

9. Page 4, line 3.
Strike: section 4 in its entirety

10. Page 6, line 12.
Following: "department"
Insert: "sufficient for supporting the design"

11. Page 6, lines 13 through 17.
Strike: lines 13 through 17 in their entirety
Renumber: subsequent subsections

12. Page 6, lines 19 and 20.
Strike: "and any additional information requested by the department"

13. Page 7, line 2.
Following: "construction"
Strike: "—"

14. Page 7, line 3.
Following: "construction"
Insert: "inspection"

15. Page 7, lines 5 and 6.
Strike: "The engineer in charge shall provide for inspections"
Insert: "Inspections during construction shall be performed"

16. Page 7, line 10.
Strike: "and report"
Insert: "reports"

17. Page 7, line 11.
Following: "department"
Insert: "of"

18. Page 7, lines 12 and 13.
Strike: "The department shall set the time for reporting."
Insert: "(4) The department may inspect the dam during construction to insure conformity with the permit."

Renumber: subsequent subsections

19. Page 7, lines 15 through 25.
Following: "Section 9."
Strike: remainder of lines 15 through 25
Insert: "Operating certificate."

20. Page 8, lines 1 through 8.
Strike: lines 1 through 8
Insert: "(1) An operation plan must be prepared by the owner and approved by the department prior to operation of the dam or reservoir. The operation plan must set forth at a minimum:

(a) a reservoir operational procedure;

(b) a maintenance procedure for the dam and appurtenant works;

(c) emergency procedures and warning plans."
Renumber: subsequent subsections

21. Page 8, lines 10 and 11.
Strike: "as determined under [Section 8] and this section,"
Insert: "and upon approval of an operational plan,"

22. Page 8, line 12.
Strike: "permit"
Insert: "certificate"

23. Page 8, line 13.
Following: "inspections"
Insert: "and recertification"

24. Page 8, line 14.
Following: "inspected"
Insert: "and recertified"

25. Page 8, lines 18 through 21.
Following: "(2)"
Strike: remainder of lines 18 through 21
Insert: "Any inspections required in this section must be done by a qualified engineer."

26. Page 8, line 22.
Strike: "pay the costs of"
Insert: "be responsible for"

27. Page 9, line 17.
Following: "inspection."
Strike: remainder of lines 17 through "and" on line 20
Insert: "The costs"

28. Page 10, line 5.
Strike: lines 5 through 9 in their entirety
Insert: "take necessary steps to make these structures safe."

29. Page 10, line 25.
Following: "department"
Strike: "may"
Insert: "shall"

30. Page 11, line 1.
Strike: lines 1 through 2 in their entirety
Insert: "take necessary steps to safeguard life and property."

31. Page 11, line 14.
Following: "department."
Strike: remainder of line 14 through "and" on line 15
Insert: "Costs"

32. Page 11, line 18.
Strike: section 14 in its entirety
Insert: "(4) In case of a dispute between the owner and the department, a technical review committee may be appointed by the board to review the technical merits of a project. The committee shall be made up of five members appointed as follows:

(a) one member who is a board member and shall serve as committee chairman;

(b) two members who are selected by the owner;

(c) two members who are selected by the department, at least one of whom must be from outside the department.

(5) All committee members except the chairman must have technical qualifications in the disciplines of dam design or dam construction or both.

(6) The committee may be called by any of the following methods:

(a) by the board on its own motion;

(b) by the request of the department;

(c) by the request of the owner.

(7) The committee shall make recommendations to the board. The board shall make final decisions of approval or disapproval of permits and certification in the context of the dispute.

(8) The technical committee is entitled to a reasonable compensation for their services to be allowed by the board.

(9) The board shall set a schedule of costs of the technical review committee based on the project size and complexity to be paid by the person requesting the review process."
Renumber: subsequent subsections

33. Page 15, line 4.
Strike: section 25 in its entirety
Renumber: subsequent sections

34. Page 15, line 8.
Strike: "23"
Insert: "22"

35. Page 15, line 11.
Strike: "23"
Insert: "22"

And, as amended, do pass. Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 2/18/83

HB 412, introduced by Bardanouve

HB 459, introduced by Hemstad, et al.

MOTIONS

Senator Gage moved that SB 406 be taken from the Committee on Natural Resources and that it be printed and placed on second reading. Motion carried as follows:

Ayes: Aklestad, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, McCallum, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 24

Noes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Stimatz, Towe, Van Valkenburg.
Total 22

Excused: Boylan, Severson.
Total 2

Absent or not voting: Brown, D. Manning.
Total 2

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
SB 293, introduced bill, be amended as follows:

1. Title, line 11.
Following: "DATE"
Insert: "AND DELAYED EFFECTIVE DATES"

2. Page 7, line 25.
Following: "services"
Strike: remainder of line 25 through "act" on page 8, line 8

3. Page 12, line 25.
Following: "equipment"
Strike: remainder of line 25 through "value." on page 13, line 7
Insert: ", provided such acquisition would have required a certificate of need pursuant to subsection (1)(a) or (1)(c) of this section if it had been made by or on behalf of a health care facility."

4. Page 16, line 11.
Following: "services,"
Strike: "expansion of existing services,"

5. Page 17, line 11.
Following: "If"
Insert: ", after the 15 days,"

6. Page 17, line 13.
Following: "information"
Insert: "within 5 working days. Upon receipt of the additional information from the application, the department shall have 15 days to determine if the application is complete. If the department fails to make a determination as to the completeness of the application within the prescribed 15-day period, the application shall be deemed to be complete."

7. Page 18, line 17.
Following: "period."

Insert: "If the department fails to reach a decision and notify the applicant of its decision within the deadlines established in this section and if that delay constitutes an abuse of the department's discretion, the applicant may apply to district court for a writ of mandamus to force the department to render a decision."

8. Page 12, line 23.
Following: "of"
Strike: "$50,000"
Insert: "$100,000"

9. Page 21, line 24.
Following: "need."
Insert: "The department may adopt rules for the imposition of such conditions, but only if the secretary of the United States department of health and human services has approved an amendment to the state's medicaid plan, adopted pursuant to 42 U.S.C. 1396a, allowing for the imposition of such conditions."

10. Page 29, line 13.
Strike: "date"
Insert: "dates"
Following: "."
Insert: "(1)"

11. Page 29, line 14.
Following: "approval"
Insert: ", with delayed effective dates"
Following: "."
Insert: "(2) On July 1, 1987, 50-5-301, 50-5-302, and 50-5-304 through 50-5-308, MCA, and sections 8 through 10 hereof are repealed unless reenacted by the legislature.

(3) On July 1, 1987, 50-5-101, MCA, is amended by deleting subsections (3), (5), (6), (8), (9), (10), (13), (14), and (27) unless reenacted by the legislature.

(4) On July 1, 1987, 50-5-106, MCA, is amended to read as follows, unless reenacted by the legislature:

"50-5-106. Records and reports required of health care facilities — confidentiality. Health care facilities shall keep records and make reports as required by the department. Before February 1 of each year, every licensed health care facility shall submit an annual report for the preceding calendar year to the department. The report shall be on forms and contain information specified by the department. Information received by the department or board through reports, inspections, or provisions of parts 1 and 2 may not be disclosed in a way which would identify patients. A department employee who discloses information which would identify a patient shall be dismissed from employment and subject to the provision of 45-7-401, unless the disclosure was authorized in writing by the patient, his guardian, or his agent. Information and statistical reports from health care facilities which are considered necessary by the department for health planning and resource development activities will be made available to the public and the health planning agencies within the state. ~~Applications by health care facilities for certificates of need and any information relevant to review of these applications, pursuant to part 3, shall be accessible to the public.~~""

And, as amended, do pass. Report adopted.

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 412, introduced by Bardanouve, (By Request of the Office of Budget and Program Planning). Referred to Committee on Finance and Claims.

HB 459, introduced by Hemstad, Stobie, Asay, Underdal, Ryan, C. Smith, Jones, Harp, Bergene, Koehnke. Referred to Committee on Local Government.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 40 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Himsl.
Total 1

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 266 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 291 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw,

Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 298 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Story.
Total 1

Excused: Boylan, Severson.
Total 2

Absent or not voting: Crippen.
Total 1

SB 302 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 305 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Shaw.
Total 1

Excused: Boylan, Severson.
Total 2

Absent or not voting: Dover.
Total 1

SB 315 failed to pass as follows:

Ayes: Aklestad, Brown, Crippen, Dover, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 25

Noes: Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Eck, Elliott, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 25

Paired: Lee, Severson, Ayes; Blaylock, Boylan, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 353 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 356 passed as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 40

Noes: Aklestad, Elliott, Galt, Goodover, Hammond, Lee, Shaw, Tveit.
Total 8

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.

Total 0

SB 373 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 389 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 390 failed to pass as follows:

Ayes: Aklestad, Boylan, Crippen, Daniels, Dover, Elliott, Gage, Galt, Goodover, Hager, Hammond, Keating, Kolstad, Lee, Lynch, D. Manning, McCallum, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Mr. President.
Total 25

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Eck, Etchart, Fuller, Graham, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Lane, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Thomas, Towe, Van Valkenburg.
Total 25

Paired: Boylan, Severson, Ayes; Blaylock, Regan, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 392 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Regan.
Total 1

Excused: Boylan, Severson.
Total 2

Absent or not voting: D. Manning.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Lynch in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 421 - That SB 421, being a Constitutional Amendment, pass the Senate pursuant to Rule 6-34. Motion carried as follows:

Ayes: Aklestad, Daniels, Dover, Etchart, Gage, Galt, Hammond, Hazelbaker, Kolstad, Lee, D. Manning, McCallum, Ochsner, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 19

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Eck, Elliott, Fuller, Goodover, Graham, Haffey, Hager, Halligan, Himsl, Jacobson, Keating, Lane, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 29

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 422 - That SB 422 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 429 - That SB 429 do pass. Motion carried as follows:

Ayes: Berg, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Fuller, Galt, Graham, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Keating, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Norman, Ochsner, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 30

Noes: Aklestad, Blaylock, Elliott, Etchart, Gage, Goodover, Hammond, Himsl, Lee, McCallum, Mohar, Smith, Story, Tveit, Mr. President.
Total 15

Excused: Boylan, Severson.
Total 2

Absent or not voting: Kolstad, Shaw, Turnage.
Total 3

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Lynch moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BUSINESS AND INDUSTRY (Lee, Vice-Chairman):
SJR 16, introduced bill, be amended as follows:

1. Title, line 9.
Following: "OBLIGATIONS"
Insert: "RELATING TO NUCLEAR POWER GENERATING FACILITIES"

2. Page 2, line 13.
Following: "obligations"
Insert: "relating to nuclear power generating facilities"

3. Page 2, line 18.
Following: "obligations"
Insert: "relating to nuclear power generating facilities"

And, as amended, do pass. Report adopted.

SJR 17, do pass. Report adopted.
SB 223, introduced bill, be amended as follows:

1. Page 10, line 3.
Following: "revenue"
Strike: remainder of line 3 through "county" on line 4

2. Page 10, lines 5 through 19.
Strike: lines 5 through 19 in their entirety
Insert: "into the state general fund."

3. Page 15, line 8.
Following: "The"

Strike: remainder of line 8 through "administration" on line 9
Insert: "legislative auditor"

4. Page 15, line 10.
Following: "lottery."
Insert: "The costs of the audit must be paid by the state lottery commission."

And, as amended, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 223

Under section 4 the State Lottery Commission must establish and operate a state lottery and adopt policies and rules regarding:
(1) the operations of the lottery director and his staff;
(2) the price, number, and size of tickets;
(3) the drawing of lottery winners;
(4) lottery tickets or chance sales and ticket sales agents;
(5) the immediate payment of small prizes; and
(6) other matters relating to the successful operation of the lottery.

A State lottery is primarily a business operation and has as a purpose the earning of net revenue. The successful operation of a state lottery, as shown by the experience of other state lotteries, depends to a large degree upon the ability of a lottery staff well-versed in business matters to operate the lottery as a business and without undue constraint by statute or administrative rule. The success of a lottery also depends upon the operation of the lottery within a statutory framework ensuring the integrity of the staff and all phases of the operation of the lottery and the avoidance of even the appearance of any illegalities or conflicts of interest.

To these ends, it is contemplated that the state lottery commission will be composed of persons conversant with the types of administrative rules necessary to the successful operation of the lottery and will be adopting rules ensuring the integrity and success of the lottery.

In accord with the theory that a lottery is primarily a business, it is contemplated that the rules will change, or allow changes in the operation of the lottery, consistent with statutes as new business techniques and ideas, new games and prizes, better outlets for ticket sales, and better management techniques are discovered. The lottery should include a large number of small prizes.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Senate recessed at 11:49 a.m.

Senate resumed at 1:30 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BUSINESS AND INDUSTRY (Kolstad, Chairman):
SB 456, introduced bill, be amended as follows:

1. Page 1, line 15.
Following: "the"
Strike: "incremental"

2. Page 1, line 16.

Following: "commission,"
Strike: remainder of line 16 through "source" on line 19
Insert: "which would be incurred by the utility if the utility does not make the purchase of, or investment in conservation."

3. Page 1, line 22.
Following: "means"
Strike: remainder of line 22 through "title" on page 2, line 9
Insert: "any reduction in electric power consumption as a result of investment in measures that increase the efficiency of electricity or gas use in building shells, space heating or cooling equipment, water heating equipment, or refrigeration equipment which, over its economic life meets the criteria of [section 3]"

4. Page 2, line 21.
Following: "made"
Strike: remainder of line 21 through "after" on line 22
Insert: "to replace, upgrade, or enhance building shells, space heating or cooling equipment, or refrigeration equipment which was installed and in operation in the existing structure as of"

5. Page 2, line 23.
Following: "act] and"
Strike: remainder of line 23 through "base," on line 24

6. Page 3, line 19.
Following: line 18
Strike: "establish"
Insert: "approve"

7. Page 3, line 20.
Following: "that"
Strike: "may"
Insert: "will"

And, as amended, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
SB 454, introduced bill, be amended as follows:

1. Page 3, line 1.
Following: "receipts"
Strike: "are"

2. Page 3, line 2.
Following: "fund"
Insert: "and the highway trust federal and private revenue account"

3. Page 3, lines 19 and 20.
Following: "the"
Strike: "bond proceeds and insurance clearance fund"
Insert: "highway earmarked revenue fund"

4. Page 4.
Following: line 4
Insert: "(3) Interest and investment earnings on the separate accounts named in subsections (1) and (2) shall be retained in the highway earmarked revenue fund.

(4) Notwithstanding 17-6-202 and except as provided in subsection (3) interest and investment earnings on the highway earmarked revenue fund shall be credited to the general fund until July 1, 1985,

and thereafter shall be retained in the highway earmarked revenue fund."

5. Page 9, line 4.
Following: "time."
Insert: "No additional bonds, other than refunding bonds, may be issued until the pledge in favor of the highway revenue bonds is satisfied and discharged."

And, as amended, do pass. Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Lynch in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 108 - That SB 108 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 224 - That SB 224, second reading copy, be amended as follows:

1. Title, line 6.
Strike: "GRIZZLY BEAR, URSUS ARCTOS HORRIBILIS,"
Insert: "ELK"

Amendment failed as follows:

Ayes: Elliott, Etchart, Himsl, Shaw.
Total 4

Noes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Fuller, Gage, Goodover, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 40

Excused: Boylan, Severson.
Total 2

Absent or not voting: Galt, Graham, Hammond, Story.

Total 4

That SB 224 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Elliott.
Total 1

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 242 - That SB 242 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 246 - That SB 246 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 297 - That SB 297 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover,

Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 308 - That SB 308 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 325 - That SB 325 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 330 - That SB 330 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw,

Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 332 - That SB 332 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Dover, Galt, Lane, McCallum, Story.
Total 5

Excused: Boylan, Severson.
Total 2

Absent or not voting: None.
Total 0

SB 333 - That SB 333 do pass. Motion failed as follows:

Ayes: Aklestad, Dover, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Keating, Lee, Ochsner, Shaw, Smith, Tveit, Mr. President.
Total 16

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Fuller, Graham, Haffey, Halligan, Himsl, Jacobson, Kolstad, Lane, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 30

Excused: Boylan, Severson.
Total 2

Absent or not voting: D. Manning, McCallum.
Total 2

That SB 333 be indefinitely postponed. Motion carried as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Galt, Haffey, Hager, Halligan, Himsl, Jacobson, Kolstad, Lane, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 29

Noes: Aklestad, Dover, Etchart, Gage, Goodover, Hammond, Hazelbaker, Keating, Lee, Marbut, Ochsner, Shaw, Smith, Tveit, Mr. President.
Total 15

Excused: Boylan, Severson.
Total 2

Absent or not voting: Elliott, Graham, D. Manning, McCallum.
Total 4

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Lynch moved the adoption of the committee report. Report adopted.

Senator Hazelbaker moved that the Senate recess until 3:22 p.m. for the purpose of party caucuses. Motion carried unanimously.

Senate recessed at 2:23 p.m.

Senate resumed at 3:26 p.m.

Senator Lane excused at 3:26 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

FISH AND GAME (Smith, Chairman):
SB 336, introduced bill, be amended as follows:

1. Title, lines 6 through 7.
Following: "FOR"
Insert: "INCREASED"
Following: "PENALTIES"
Strike: remainder of line 6 through "PROPERTY" on line 7

2. Title, line 8.
Strike: "THROUGH"
Insert: ","
Following: "81-1-503"
Strike: "AND"
Insert: ","
Following: "81-7-505,"
Insert: "AND 81-7-511,"

3. Page 2, line 1.
Strike: section 2 in its entirety
Renumber: subsequent sections

4. Page 3, line 13.
Strike: "within his own aircraft and"

5. Page 3.
Following: line 19
Insert: "Section 4. Section 81-7-511, MCA, is amended to read:

"81-7-511. Penalties — jurisdiction — revocation of permit. (1) Any person violating any provision of this part who is permitted to engage in aerial hunting pursuant to this part is guilty of a misdemeanor.

(2) A conviction for a violation of subsection (1) is punishable by a fine of not ~~more~~ less than $500.

(3) Any person who is not permitted to engage in aerial hunting pursuant to this part who violates any provisions of this part is guilty of a misdemeanor, and upon conviction is punishable by a fine of not less than $250 or more than ~~$1,000~~ $1,500. A subsequent

conviction under this subsection is punishable by a fine of not less than $500 or more than ~~$1,000~~ $1,500.

(4) The justice court has jurisdiction over violations of this part.

(5) The department may revoke or suspend the permit of anyone violating its terms.""

6. Page 3, line 25 through page 4, line 2.
Following: "livestock." on line 25
Strike: "flying" on line 25 through page 4, line 2

7. Page 4, line 3.
Strike: section 6 in its entirety
Renumber: subsequent section

8. Page 4, line 22.
Strike: "Sections"
Insert: "Section"
Strike: "and 6 are"
Insert: "is"

9. Page 4, line 24.
Strike: "sections 5 and 6"
Insert: "section 5"

And, as amended, do pass. Report adopted.

SB 448, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 448

This bill requires the Department of Fish, Wildlife, and Parks to make rules for game animal farms under section 17, game bird farms under section 32, and fur farms under section 47. It is the intent of the Legislature that these rules address procedural items necessary for a timely and efficient processing of applications and licenses and provide the information necessary for administration of the criteria provided in those sections.

TAXATION (Goodover, Chairman):
SB 384, introduced bill, be amended as follows:

1. Title, line 10.
Following: "YEAR;"
Insert: "REQUIRING A REDISTRIBUTION OF TAXES AND FEES;"

2. Page 2, line 6.
Following: "jurisdiction."
Strike: remainder of line 6 through "1983." on line 8

3. Page 2, line 12.
Following: "county treasurer"
Strike: remainder of line 12 through line 19
Insert: "The governing body of a county shall establish a refund procedure for the tax overcharge that resulted from the failure to correctly anticipate the revenues as stated in subsection (1). The refund procedure may provide for a reduction of the 1982 first-half property taxes remaining unpaid, a direct refund, a reduction of second-half property taxes or some combination of these methods. Direct refunds must be made by May 1, 1983. Notices of revised

second-half property taxes must be mailed by May 1, 1983. The governing body of a county is granted the authority to establish the refund procedure for all taxing jurisdictions within the county. A taxing jurisdiction whose funds are not held by the county shall deposit with the county sufficient funds to make any necessary direct refunds for the tax overcharge by that taxing jurisdiction, or the county shall withhold such amount from allocations of future tax collections."

4. Page 2.
Following: line 25
Insert: "(4) In addition to the determination of tax overcharges, the county treasurer shall, based upon the recalculated property tax levies, recalculate the disposition of taxes and fees pursuant to 61-3-509 collected as of January 1, 1983, and increase or decrease the amount of motor vehicle fees in lieu of tax and personal property tax distributed to the several taxing jurisdictions in the county."

And, as amended, do pass. Report adopted.

SB 450, do pass. Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Lynch in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 382 - That SB 382 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Boylan, Lane, Severson.
Total 3

Absent or not voting: None.
Total 0

SB 394 - That SB 394 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lynch, R. Manning, Mazurek, Mohar, Regan, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 34

Noes: Haffey, Jacobson, McCallum, Norman, Ochsner, Van Valkenburg.

Total 6

Excused: Boylan, Lane, Severson.
Total 3

Absent or not voting: Christiaens, Gage, Hager, Lee, D. Manning, Marbut, Story.
Total 7

SB 398 - That consideration on SB 398 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Boylan, Lane, Severson.
Total 3

Absent or not voting: None.
Total 0

SB 403 - That SB 403 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Boylan, Lane, Severson.
Total 3

Absent or not voting: None.
Total 0

SB 414 - That SB 414 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Boylan, Lane, Severson.
Total 3

Absent or not voting: None.
Total 0

SB 453 - That SB 453, second reading copy, be amended as follows:

1. Title, line 7.
Following: "FIRST"
Insert: "FULL"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 43

Noes: None.
Total 0

Excused: Boylan, Lane, Severson.
Total 3

Absent or not voting: Christiaens, Gage, D. Manning, Mr. President.
Total 4

That SB 453, second reading copy, be further amended as follows:

1. Page 1, line 17.
Following: "first"
Insert: "full"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: None.
Total 0

Excused: Boylan, Lane, Severson.
Total 3

Absent or not voting: Christiaens, Gage, Graham, D. Manning.
Total 4

That SB 453, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 47

Noes: None.
Total 0

Excused: Boylan, Lane, Severson.
Total 3

Absent or not voting: None.
Total 0

SJR 18 - That SJR 18 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Boylan, Lane, Severson.
Total 3

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Lynch moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):

Correctly printed and placed on the members' desks: SB 155, SB 157, SB 173, SB 313, SB 316, SB 319, SB 322, SB 347, SB 355, SB 368, SB 370, SB 388, SB 400, SB 404, SB 406, SB 409, SB 410, SB 412, SB 415, SB 420, SB 423, SB 425, SB 426, SB 428, SB 430, SB 432, SB 435, SB 438, SB 439, SB 441, SB 443, SB 445, SB 446, SB 447, SB 451, SB 452, SB 455, SJR 12, SJR 14, SJR 15, SJR 17, SJR 21.

Correctly engrossed: SB 94, SB 190, SB 203, SB 214, SB 227, SB 243, SB 247, SB 251, SB 275, SB 281, SB 292, SB 300, SB 301, SB 342, SB 351, SB 354, SB 371, SB 378, SB 381, SB 383, SB 386, SB 387, SB 391, SB 395, SB 402.

TAXATION (Goodover, Chairman):

SB 431, introduced bill, be amended as follows:

1. Page 1, lines 12 and 13.
Following: "(1) Except"
Strike: "as provided in [section 6] and except"

2. Page 15, line 21.
Strike: section 6 in its entirety
Renumber: subsequent sections

3. Page 16, line 11.
Following: "quota."
Strike: "(1)"

4. Page 24.
Following: line 18
Insert: "NEW SECTION. Section 8. A license issued or renewed under the provisions of [sections 6 and 7] is a privilege and not a property right, and such licensing is an exercise of the police power of the state for the protection of the public health, welfare, and safety."

5. Page 24, line 20.
Strike: "6"
Insert: "5"

6. Page 24, line 22.
Strike: "6"
Insert: "5"

7. Page 25, line 1.
Strike: subsection (2) in its entirety
Renumber: subsequent subsection

8. Page 25, line 3.
Strike: "7"
Insert: "6"
Strike: "8"
Insert: "7"

And, as amended, do pass. Report adopted.

FISH AND GAME (Smith, Chairman):
SB 344, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Brown, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, Mazurek, McCallum, Norman, Ochsner, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Van Valkenburg, Mr. President.
Total 34

Noes: Berg, Blaylock, Christiaens, Eck, Haffey, Jacobson, Lynch, R. Manning, Mohar, Regan, Towe.
Total 11

Excused: Boylan, Lane, Severson.
Total 3

Absent or not voting: D. Manning, Tveit.
Total 2

TAXATION (Goodover, Chairman):
SB 334, as amended, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Story, Thomas, Turnage, Van Valkenburg, Mr. President.

Total 42

Noes: Hager, Stimatz, Towe.
Total 3

Excused: Boylan, Lane, Severson.
Total 3

Absent or not voting: D. Manning, Tveit.
Total 2

SB 80, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 44

Noes: Hager.
Total 1

Excused: Boylan, Lane, Severson.
Total 3

Absent or not voting: D. Manning, Tveit.
Total 2

SB 97, as amended, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Halligan, Hazelbaker, Jacobson, Keating, Kolstad, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 38

Noes: Elliott, Galt, Hager, Hammond, Himsl, Shaw.
Total 6

Excused: Boylan, Lane, Severson.
Total 3

Absent or not voting: D. Manning, Smith, Tveit.
Total 3

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 3:59 p.m., until Monday, February 21, 1983, at the hour of 10:00 a.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FORTY-THIRD LEGISLATIVE DAY

Helena, Montana
February 21, 1983

Senate Chambers
State Capitol

Senate convened at 10:00 a.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the forty-second legislative day, find the same to be correct.

Tveit, Chairman

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 2/19/83

HB 180, introduced by J. Brown

HB 194, introduced by Swift, et al.

HB 467, introduced by J. Jensen, Saunders

HB 674, introduced by McBride

HB 679, introduced by Jones

HB 680, introduced by Jones

HB 688, introduced by Sales

HB 712, introduced by Nilson, Yardley

HB 718, introduced by Ream, et al.

HJR 19, introduced by Asay, et al.

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 180, introduced by J. Brown, (By Request of the Department of Institutions). Referred to Committee on Finance and Claims.

HB 194, introduced by Swift, Mueller, Hannah, Bliss, Darko, Hemstad, Hanson, Solberg, Wallin, Farris, Eudaily, Thoft, Miller, Regan, Bergene, Bertelsen, Kolstad, Vinger, Keyser, Devlin, Harp, Asay, Lory, R. Jensen, O'Connell, Roush, Peck, Bachini, Neuman, Marbut, Zabrocki, Goodover, Bengtson, Hager, Galt, Ellerd, Elliott, Shaw. Referred to Committee on Judiciary.

HB 467, introduced by J. Jensen, Saunders. Referred to Committee on Judiciary.

HB 674, introduced by McBride, (By Request of the Public Employees' Retirement Division). Referred to Committee on State Administration.

HB 679, introduced by Jones, (By Request of the Office of Superintendent of Public Instruction). Referred to Committee on Education and Cultural Resources.

HB 680, introduced by Jones, (By Request of the Office of Superintendent of Public Instruction). Referred to Committee on Education and Cultural Resources.

HB 688, introduced by Sales, (By Request of the Public Employees' Retirement Division). Referred to Committee on State Administration.

HB 712, introduced by Nilson, Yardley. Referred to Committee on State Administration.

HB 718, introduced by Ream, Kadas, Hansen, Halligan. Referred to Committee on Local Government.

HJR 19, introduced by Asay, Seifert, Williams, Howe, Thoft, Ellerd, Yardley. Referred to Committee on State Administration.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Galt in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 451 - That SB 451, second reading copy, be amended as follows:

1. Page 3, line 3.
Strike: "subcommittees"
Insert: "bipartisan committees composed of members of the legislature"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That SB 451, as amended, do pass. Motion failed as follows:

Ayes: Aklestad, Boylan, Brown, Crippen, Daniels, Dover, Elliott, Etchart, Galt, Goodover, Hager, Hazelbaker, Keating, Kolstad, Lane, Lee, Marbut, Severson, Shaw, Stimatz, Story, Turnage, Mr. President.
Total 23

Noes: Berg, Blaylock, Christiaens, Conover, Eck, Fuller, Gage, Graham, Haffey, Halligan, Himsl, Jacobson, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Smith, Thomas, Towe, Tveit, Van Valkenburg.
Total 26

Excused: None.
Total 0

Absent or not voting: Hammond.
Total 1

SB 398 - That SB 398 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Mohar.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 155 - That SB 155, without objection, be moved to the bottom of the board.

SB 157 - That SB 157, second reading copy, be amended as follows:

1. Title, line 4.
Strike: "REQUIRE"
Insert: "ENCOURAGE"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That SB 157, second reading copy, be further amended as follows:

1. Page 1, line 12.
Strike: "shall"
Insert: "may"

2. Page 1, line 23.
Strike: "shall"
Insert: "may"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker,

Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That SB 157, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 173 - That SB 173 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 313 - That SB 313, second reading copy, be amended as follows:

1. Page 3, line 16.
Strike: "application"
Insert: "no provision"

2. Page 3, lines 17 through 18.
Strike: "allowed after 6 months of revocation have been served"

3. Page 3, line 21.

Following: "~~temporary~~"
Insert: "temporary"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That SB 313, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Fuller, Gage, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Smith, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 40

Noes: Elliott, Etchart, Lynch, Shaw.
Total 4

Excused: None.
Total 0

Absent or not voting: Daniels, Haffey, D. Manning, McCallum, Stimatz, Tveit.
Total 6

SB 316 - That SB 316 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Elliott, Goodover, Keating, Shaw.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 319 - That SB 319 do pass. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Aklestad, Goodover, Mohar, Shaw.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 322 - That SB 322 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: R. Manning.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 347 - That SB 347 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Conover, Crippen, Dover, Elliott, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Ochsner, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 37

Noes: Blaylock, Christiaens, Eck, Fuller, Jacobson, Lynch, Mohar, Regan, Towe.
Total 9

Excused: None.
Total 0

Absent or not voting: Daniels, Etchart, Norman, Stimatz.
Total 4

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Galt moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully report as follows:

That the following attaches of the Senate be employed as of 8:00 a.m. on Monday, February 21, 1983:

Christine Blouke.....Page
Patricia Cearley.....Page
Kathleen Mulroney.....Page
Steve Roberts.....Page
Patrice Seubert.....Page
Ward "Phil" Shanahan.....Page
Angie Ward.....Page
Tracey Williams.....Page
Tamara Steinley.....Page
Lisa Michels.....Page

And that the following attaches of the Senate be terminated as of 5:00 p.m. on Saturday, February 19, 1983:

Greg Boylan.....Page
Gretchen Crippen.....Page
Anne M. Dowling.....Page
Lee Eames.....Page
Elizabeth Elliott.....Page
Loren Hawks.....Page
Nancy Sullivan.....Page
David Masolo.....Page
David Thomas.....Page

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
SB 436, introduced bill, be amended as follows:

1. Title, line 15.
Following: "GOVERNMENTS;"
Strike: remainder of line 15 through "CARRIERS;" on line 16

2. Title, line 18.
Strike: line 18 through "1,000;" on line 19

3. Title, line 23.
Following: "69-12-423,"
Strike: "69-12-501, 69-12-502,"
Following: "69-14-115"
Insert: "AND"

4. Title, line 24.
Following: "69-14-116,"
Strike: "AND 69-14-202,"

5. Page 7, line 4.
Insert: "except those fees set by federal statute. No fee set by the commission may exceed $500"

6. Page 8, line 15.
Strike: "applications,"

7. Page 9, line 19.
Strike: "may"

Insert: "shall"

8. Page 9, line 22.
Following: "be"
Insert: "based on identical standards and shall be"

9. Page 23, line 3.
Strike: sections 19 through 21 in their entirety
Renumber: subsequent sections

10. Page 26, line 13.
Strike: section 24 in its entirety
Renumber: subsequent sections

And, as amended, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 436

A statement of intent is required for Senate Bill 436 because it grants the Public Service Commission authority to charge fees commensurate with costs.

The Legislature intends that the fees be set in an amount sufficient to provide funds to administer the function for which the fee is charged. Fees may not be set so high as to generate revenue in excess of expenses.

Senator Hazelbaker moved that the Senate recess at 11:52 p.m. Motion carried.

Senate resumed at 1:30 p.m.

Senator Daniels excused at this time.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

TAXATION (Goodover, Chairman):

SB 204, do pass. Report adopted.

SB 231, as amended, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Eck, Elliott, Etchart, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Turnage, Van Valkenburg, Mr. President.
Total 40

Noes: Dover, Gage, Galt, Keating, Shaw, Tveit.
Total 6

Excused: Daniels.
Total 1

Absent or not voting: Fuller, D. Manning, Towe.
Total 3

SB 359, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Crippen, Dover, R. Manning, Marbut, McCallum, Shaw, Thomas.
Total 7

Excused: Daniels.
Total 1

Absent or not voting: Towe.
Total 1

MOTIONS

Senator Daniels present at 1:45 p.m.

Senator Graham moved that SB 238 be taken from the Committee on Agriculture, Livestock and Irrigation and that it be printed and placed on second reading. Motion failed as follows:
Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Daniels, Eck, Fuller, Galt, Graham, Haffey, Halligan, Jacobson, Lane, D. Manning, R. Manning, Mazurek, Mohar, Norman, Ochsner, Regan, Thomas, Towe, Van Valkenburg.
Total 25

Noes: Boylan, Crippen, Dover, Elliott, Etchart, Gage, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Lynch, Marbut, McCallum, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Mr. President.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Smith moved that SB 94 be taken from third reading and that it be referred to the Committee on Taxation. Motion failed as follows:

Ayes: Aklestad, Boylan, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lane, Lee, D. Manning, McCallum, Ochsner, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 25

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Haffey, Halligan, Himsl, Jacobson, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Severson, Stimatz, Thomas, Towe, Van Valkenburg.
Total 25

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Elliott moved that the Senate reconsider its action in adopting the adverse committee report on SB 97 and that it be printed and placed on second reading. Motion failed as follows:

Ayes: Aklestad, Boylan, Daniels, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Turnage, Tveit, Mr. President.
Total 23

Noes: Berg, Brown, Christiaens, Conover, Crippen, Dover, Eck, Fuller, Graham, Haffey, Halligan, Hazelbaker, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 25

Excused: None.
Total 0

Absent or not voting: Blaylock, Story.
Total 2

Senator Ochsner moved that the Senate reconsider its action in adopting the adverse committee report on SB 416 and that it be printed and placed on second reading. Motion failed as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Halligan, Lane, D. Manning, R. Manning, McCallum, Mohar, Norman, Ochsner, Regan, Towe, Van Valkenburg.
Total 20

Noes: Aklestad, Boylan, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lee, Lynch, Marbut, Mazurek, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Mr. President.
Total 30

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 94 passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Goodover, Haffey, Halligan, Himsl, Jacobson, Lane, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 28

Noes: Aklestad, Dover, Elliott, Etchart, Gage, Galt, Graham, Hager, Hammond, Hazelbaker, Keating, Kolstad, D. Manning, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit.
Total 21

Excused: None.
Total 0

Absent or not voting: Lee.

Total 1

SB 190 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Goodover.
Total 1

SB 203 passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 43

Noes: Aklestad, Etchart, Goodover, Hammond, Kolstad, Lee, Van Valkenburg.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 214 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 46

Noes: Elliott, Himsl, Shaw, Mr. President.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 227 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover,

Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Elliott, Lee.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 243 passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 42

Noes: Aklestad, Crippen, Gage, Galt, Keating, Kolstad, Lee, Tveit.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 247 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 251 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 275 failed to pass as follows:

Ayes: Aklestad, Boylan, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hammond, Hazelbaker, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, McCallum, Shaw, Story, Tveit, Mr. President.
Total 22

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Haffey, Hager, Halligan, Himsl, Jacobson, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg.
Total 28

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 281 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 46

Noes: Dover, Etchart, Tveit.
Total 3

Excused: None.
Total 0

Absent or not voting: Hazelbaker.
Total 1

SB 292 passed as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Himsl, Jacobson, Keating, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Blaylock, Hammond, Lane, Mazurek, Mohar, Regan, Towe.
Total 7

Excused: None.
Total 0

Absent or not voting: Hazelbaker.
Total 1

SB 300 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Hazelbaker.
Total 1

SB 301 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 342 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 351 passed as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Elliott, Fuller, Gage, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit.
Total 41

Noes: Blaylock, Daniels, Eck, Etchart, Haffey, Norman, Regan, Van Valkenburg, Mr. President.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 354 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 371 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 47

Noes: Daniels, Mohar, Van Valkenburg.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 378 passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Graham, Haffey, Halligan, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Norman, Regan, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.

Total 35

Noes: Aklestad, Dover, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, McCallum, Mohar, Ochsner, Severson, Tveit.
Total 14

Excused: None.
Total 0

Absent or not voting: Shaw.
Total 1

SB 381 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Daniels.
Total 1

SB 383 passed as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 39

Noes: Blaylock, Daniels, Eck, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Turnage, Mr. President.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 386 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Daniels.
Total 1

SB 387 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Towe, Tveit, Van Valkenburg.
Total 43

Noes: Elliott, Goodover, Graham, Shaw, Thomas, Turnage, Mr. President.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 391 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 395 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Himsl.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 402 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate stood at ease at 2:36 p.m.

Senate resumed at 2:38 p.m.

SPECIAL ORDERS OF THE DAY

U.S. Representative from the First Congressional District, Pat Williams, was escorted into the Senate Chambers by Senators Hazelbaker and Blaylock. He then presented the following:

Speech by U.S. Representative Pat Williams
before the Montana Senate
February 21, 1983

Thank you, President Stephens. I always appreciate, as do my colleagues in the Montana congressional delegation, the invitation to address friends here in the state legislature.

It is sixteen years ago that I served in the state House. The two terms I spent here were the most vigorous and exciting legislative experience of my life. Yes, even more so than my current service in the United States Congress. I suppose it is the compaction of time and events, the suddenness of the success or failure of one's bills, that create the drama of this place.

I am not convinced, however, that the public is fully aware that the excitement of your jobs is out-paced by the difficulty of them. The long hours, the late night sessions, the enormous legislative burden strains concentration and limits adequate consideration. You are to be commended for both your perseverance and willingness. However, I believe that fully adequate, prudent, thoughtful legislating requires annual legislative sessions.

Perhaps it is not entirely inappropriate for me, as a member of the congressional delegation, to note that I have heard during this past week, considerable discussion and controversy from here concerning the appropriateness of partisanship. Of course, we all understand that partisanship has its limits. Each of us — particularly us — must also understand that partisanship has its uses and those uses have served Montanans and Americans well; for they have preserved debate, focused discussion, suppressed political camouflage and prevented political autonomy.

Two years ago when I spoke to you, I said this: "Everyone must demand, as Republicans have always done, that our tax dollars be spent for programs that run efficiently and effectively. And, everyone must demand, as Democrats have always done, that this nation not retreat from its long commitment to social and economic justice." At that time, I told you that I supported a weeding of our national garden of public programs and expenditures. Reaganomics was about to be put into place. The federal deficit stood at approximately $55 billion. I said to you then, if you will again permit me the luxury of quoting myself: "All of us — Republicans, Democrats and Independents — must realize that Americans are not fools. They know that government simply cannot reduce taxes by 30%, increase defense spending by $30 billion or more, and balance the federal budget all at one and the same time."

Today, 24 months later, the federal deficit has doubled and the White House is projecting that it will nearly double again within the next year.

My friends, this is the seventh recession since World War II. The others averaged only eleven months in duration. Each time recovery was rapid. Those economic rebounds did not happen by accident. Always before, when the government spotted a recession, it moved quickly to stimulate the economy and to bring down interest rates. This time, for the first time, government has refused to act and the recession has been allowed to become deep, prolonged, and deadly. We are all pleased that the President has now agreed to discuss a phase one economic assistance and jobs package and a supplemental appropriation to this current fiscal year.

As a member of the House Budget Committee, I want you to know that I intend to do all I can to assure that this coming budget also provides the additional stimulation we need to climb more quickly out of these hard times while moving toward decreased deficits in the out years.

And, by the way, decreased deficits mean prudent, reasoned, assimilable growth for the military. As vast as is our nation's military, and despite its breadth and depth, in my judgement, its throat is not big enough to reasonably accept the 600 thousand dollars per minute which the administration is trying to cram down.

Now, if you will permit me to use my final few minutes to appeal to you as one of your Montana constituents, I would like to make a couple of requests of you.

It is my belief that Montana, America needs good reliable passenger transportation. As you know, you are faced with the decision to return the southern route Amtrack train to Montana. I hope you will give that full and adequate consideration. Perhaps the quality of a nation's rail passenger service is in some regard, a measure of that nation's pace and civility.

While on the subject of railroads, I remind you that this September 8th is the Centennial observance of an important event to Montana and the nation. On September 8, 1883 the golden spike was driven, linking the Great Lakes with the states and territories westward to the Pacific. With the completion of the Northern Pacific, America's northwest was opened to settlement and commerce. That linkage, the golden spike ceremony, took place not far from here near Deer Lodge.

A request has been made of your joint committee on long-range building to provide a small appropriation to assure that Montana can appropriately celebrate this important historical event.

I know, of course, that you are experiencing severe budget constraints; however, this centennial opportunity comes but once and I'm hopeful you will be of assistance.

On another matter, I agree with those 55 thousand Montana school children who want the grizzly bear as our state animal.

And finally, a word about coal slurry. The word is caution.

I have watched with considerable interest the growing debate here in the state legislature over the question of selling Montana water. In Congress I have fought for Montana's right to control water within our boundaries. I have fought against legislation to force coal slurry lines on arid western states. It is from this perspective that I respectfully offer some observations on the issue of coal slurry.

Recently, Secretary of Interior Watt appeared before the House Interior Committee to discuss his budget proposals for FY84. When asked what he saw as the most important issue facing his department in the coming decade, he responded, "water". Jim Watt and I agree. There is no issue in the west that can compare with the importance of water policy in deciding how we live and prosper.

The voices in Montana calling for water sales to bolster state coffers are accurately reflecting the growing pressures on water use in the west. With federal dollars dwindling, each state will be looking for ways to maintain their services. I support Montana's right to make that decision, but in our haste to capture revenue, I hope we will not lose sight of the wider issues.

On a federal level, coal slurry companies have lobbied the congress for years to grant them the right of federal eminent domain. This ultimate power would mean the construction of a national coal slurry system which would be extremely water intensive. Legislation to grant eminent domain to slurry companies is currently pending before both the national House and Senate.

It is clear that this legislation will have an enormous impact on western water use. This concern is based on my belief that water price wars in the west would encourage polarization of states and seriously limit needed cooperation. The sponsors of the federal slurry legislation continually seek to allay the fears of westerners through water amendments, purporting to protect states' rights to allocate water. The backers of slurry have pursued that strategy, but unfortunately, the U.S. Supreme Court has not cooperated and has placed all state water export bans in jeopardy. Sporhase v. Nebraska recognized water as a commodity of interstate commerce and therefore subject to free trade. It also recognized congress' ultimate right to control water. Recent lower court rulings in New Mexico have backed the Supreme Court's decision against "water export bans".

This congress will again consider coal slurry legislation. I am hopeful that congress will be unwilling to increase pressure on western water policy before there has been enough time for congress and state legislatures to address the questions now being raised by the courts.

The Supreme Court in its Sporhase decision, threatens the assumption that a state may reserve for beneficial use within its borders, the waters that have been equitably apportioned to it. The legal network of state water export statutes and interbasin agreements are meaningless without the beneficial use assumption. The court may have struck at a vital attribute of state sovereignty: the power to conserve and allocate water resources among its citizens.

Given the serious implications to Montana of the court's decision, and the fact that the court encouraged legislative prescription, I will, this week, ask for congressional hearings to begin the process of addressing the fundamental water rights issues raised by the court.

Until the matter of state authority has been resolved, it is, I believe, unwise for either this body or the congress to create law encouraging coal slurry pipelines.

I urge you to proceed very cautiously. We will find it is far easier to open the water spigot than it will be to shut it off.

I'm very appreciative of the opportunity to visit with you and I wish you well in your continued deliberations.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Galt in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 355 - That SB 355 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 368 - That SB 368, second reading copy, be amended as follows:

1. Title, line 9.
Strike: ".
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

2. Page 1, line 20.
Following: line 20
Insert: "Section 2. Effective date. This act is effective on passage and approval."

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 47

Noes: Eck, Halligan, Van Valkenburg.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That SB 368, as amended, do pass. Motion failed as follows:

Ayes: Aklestad, Boylan, Dover, Etchart, Gage, Galt, Goodover, Hammond, Keating, Kolstad, Lane, Lee, Shaw, Smith, Story, Tveit, Mr. President.
Total 17

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Fuller, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Stimatz, Thomas, Towe, Turnage, Van Valkenburg.
Total 32

Excused: None.
Total 0

Absent or not voting: D. Manning.
Total 1

That SB 368 be indefinitely postponed. Motion carried as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Fuller, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 34

Noes: Aklestad, Boylan, Dover, Etchart, Gage, Galt, Goodover, Hammond, Keating, Kolstad, Lee, Shaw, Smith, Tveit, Mr. President.
Total 15

Excused: None.
Total 0

Absent or not voting: D. Manning.
Total 1

SB 370 - That SB 370 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 388 - That SB 388 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 400 - That SB 400 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Story.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Galt moved the adoption of the committee report. Report adopted.

Senate recessed at 3:35 p.m.

Senate resumed at 3:47 p.m.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Galt in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 404 - That SB 404 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 406 - That SB 406 do pass. Motion carried as follows:

Ayes: Aklestad, Boylan, Brown, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Ochsner, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit.
Total 35

Noes: Berg, Blaylock, Christiaens, Conover, Eck, Haffey, Halligan, R. Manning, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 14

Excused: None.
Total 0

Absent or not voting: Mr. President.
Total 1

SB 409 - That SB 409 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 410 - That SB 410 do pass. Motion carried as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Eck, Elliott, Fuller, Galt, Goodover, Graham, Halligan, Hazelbaker, Himsl, Jacobson, Lane, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Stimatz, Thomas, Turnage, Van Valkenburg.
Total 27

Noes: Aklestad, Dover, Etchart, Hager, Hammond, Keating, Kolstad, Lee, Ochsner, Severson, Shaw, Smith, Mr. President.

Total 13

Excused: None.
Total 0

Absent or not voting: Boylan, Daniels, Gage, Haffey, D. Manning, McCallum, Regan, Story, Towe, Tveit.
Total 10

SB 412 - That SB 412 do pass. Motion carried as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Crippen, Daniels, Eck, Etchart, Fuller, Gage, Graham, Haffey, Halligan, Hazelbaker, Jacobson, Keating, Lane, Lynch, R. Manning, Mazurek, McCallum, Mohar, Regan, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 28

Noes: Aklestad, Brown, Dover, Elliott, Galt, Goodover, Hager, Hammond, Himsl, Kolstad, Lee, Marbut, Ochsner, Severson, Shaw, Smith, Tveit, Mr. President.
Total 18

Excused: None.
Total 0

Absent or not voting: Boylan, D. Manning, Norman, Turnage.
Total 4

SB 415 - That SB 415 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 420 - That SB 420 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 423 - That SB 423 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Graham.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 425 - That SB 425, second reading copy, be amended as follows:

1. Page 3, line 8.
Following: "the"
Insert: "study of the"
Following: "standard"
Strike: "under"
Insert: "and the extent to which"

2. Page 3, line 9.
Following: "schedules"
Strike: "and"
Insert: "adhere to or fall short of the standard of equal pay for comparable worth. The department"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That SB 425, as amended, do pass. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.

Total 40

Noes: Aklestad, Etchart, Hazelbaker, Himsl, Keating, Shaw, Tveit, Mr. President.
Total 8

Excused: None.
Total 0

Absent or not voting: D. Manning, Norman.
Total 2

SB 426 - That SB 426, without objection, be moved below SB 432.

SB 428 - That SB 428 do pass. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Eck, Elliott, Etchart, Fuller, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, McCallum, Mohar, Norman, Stimatz, Story, Towe, Van Valkenburg, Mr. President.
Total 32

Noes: Aklestad, Daniels, Dover, Gage, Galt, Goodover, Hammond, Mazurek, Ochsner, Regan, Severson, Shaw, Smith, Turnage, Tveit.
Total 15

Excused: None.
Total 0

Absent or not voting: D. Manning, Marbut, Thomas.
Total 3

SB 430 - That SB 430, second reading copy, be amended as follows:

1. Title, line 7.
Strike: "AND CONSERVATION"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That SB 430, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan,

Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 432 - That SB 432 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg.
Total 40

Noes: Elliott, Mazurek, Shaw, Towe, Turnage.
Total 5

Excused: None.
Total 0

Absent or not voting: Daniels, Dover, Halligan, D. Manning, Mr. President.
Total 5

SB 426 - That SB 426, without objection, be moved below SB 439.

SB 435 - That SB 435 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 438 - That SB 438 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 39

Noes: Daniels, Halligan, Lynch, R. Manning, Van Valkenburg.

Total 5

Excused: None.
Total 0

Absent or not voting: Dover, Etchart, Keating, D. Manning, Norman, Stimatz.
Total 6

SB 439 - That SB 439 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 426 - That SB 426, second reading copy, be amended as follows:

1. Page 2, line 3.
Strike: lines 3 through 8 in their entirety

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That SB 426, second reading copy, be further amended as follows:

1. Page 1, line 21.
Following: "bills."
Strike: remainder of line 21 through line 22
Insert: "An"

2. Page 2, line 1.
Following: "bill"
Strike: remainder of line 1 through line 8

Insert: "."

Amendment failed as follows:

Ayes: Berg, Blaylock, Conover, Daniels, Eck, Fuller, Himsl, D. Manning, R. Manning, Mohar, Regan, Towe.
Total 12

Noes: Aklestad, Brown, Christiaens, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, Marbut, Mazurek, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 36

Excused: None.
Total 0

Absent or not voting: Boylan, Graham.
Total 2

That SB 426, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Brown, Christiaens, Conover, Crippen, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Berg, Blaylock, Daniels, Eck, R. Manning, Mohar, Regan, Towe.
Total 8

Excused: None.
Total 0

Absent or not voting: Boylan.
Total 1

SB 441 - That SB 441 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 443 - That SB 443, second reading copy, be amended as follows:

1. Title, line 6.
Following: "LEVEL"

Strike: "BY A CORRESPONDING REDUCTION IN FULL-TIME EQUIVALENT EMPLOYEES; AND THAT A REQUEST FOR ADDITIONAL FULL-TIME EQUIVALENT EMPLOYEES BE SUBMITTED ONLY AS A MODIFIED BUDGET REQUEST"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That SB 443, second reading copy, be further amended as follows:

1. Page 3, line 16.
Following: "department"
Insert: "The funding levels must show the number of employees who were given a pay grade change under the pay schedule adopted pursuant to 2-18-303 and the net cost to the agency for such grade changes for the biennium. The changes must be listed in tabular form by:

(i) position description;

(ii) grade assigned prior to the completed fiscal year;

(iii) grade assigned during the completed fiscal year;

(iv) grade assigned during the current fiscal year;

(v) recommended grade for the ensuing biennium;

(vi) dollar difference for the upgrade or downgrade for each position; and

(vii) net cost to the agency for grade changes"

2. Page 4, line 13.
Strike: sections 3 and 4 in their entirety

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That SB 443, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 445 - That SB 445 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Galt moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):

Correctly printed and placed on the members' desks: SB 223, SB 293, SB 317, SB 336, SB 362, SB 384, SB 401, SB 418, SB 431, SB 436, SB 448, SB 450, SB 454, SB 456, SJR 16.

Correctly engrossed: SB 108, SB 224, SB 225, SB 242, SB 246, SB 297, SB 308, SB 309, SB 325, SB 330, SB 332, SB 382, SB 394, SB 403, SB 414, SB 421, SB 422, SB 429, SB 453, SJR 10, SJR 18.

Signed by the President at 3:00 p.m., 2/21/83: HB 27, HB 113, HB 127, HB 133, HB 134, HB 154, HB 155, HB 165, HB 235, HB 243, HB 251, HB 253, HB 258, HB 350, HB 369.

MOTIONS

Senator Daniels moved that the Senate reconsider its action on SB 390 and that it be printed and placed on second reading. Motion carried as follows:

Ayes: Aklestad, Boylan, Daniels, Dover, Elliott, Gage, Galt, Goodover, Hammond, Hazelbaker, Keating, Kolstad, Lee, Lynch, D. Manning, R. Manning, McCallum, Shaw, Smith, Stimatz, Story, Turnage, Tveit.
Total 23

Noes: Berg, Blaylock, Christiaens, Conover, Crippen, Eck, Etchart, Fuller, Graham, Haffey, Halligan, Himsl, Jacobson, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Thomas, Towe, Van Valkenburg.
Total 22

Excused: None.
Total 0

Absent or not voting: Brown, Hager, Lane, Severson, Mr. President.
Total 5

Senator Boylan moved that SB 170 be taken from the Committee on Judiciary and that it be printed and placed on second reading. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 47

Noes: Mohar.
Total 1

Excused: None.
Total 0

Absent or not voting: Graham, Mr. President.
Total 2

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 6:29 p.m., until Tuesday, February 22, 1983, at the hour of 10:00 a.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FORTY-FOURTH LEGISLATIVE DAY

Helena, Montana
February 22, 1983

Senate Chambers
State Capitol

Senate convened at 10:00 a.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except D. Manning, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the forty-third legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

TAXATION (Goodover, Chairman):
SB 363, introduced bill, be amended as follows:

1. Page 6, line 23.
Following: "(9)"
Strike: "The"
Insert: "In lieu of the deduction allowed under subsection (8), the taxpayer may deduct the fair market"

2. Page 6, line 25.
Following: "apparatus"
Insert: "intended for use with the computer"
Following: "donated to"
Strike: "an"
Insert: "a public"
Following: "elementary"
Strike: "or"
Insert: ","

3. Page 7, line 1.
Following: line 25 on page 6
Insert: ", or accredited postsecondary"

4. Page 7, line 2.
Following: "no later than"
Strike: "2"
Insert: "5"

5. Page 7, lines 5 and 6.
Following: line 4
Strike: lines 5 and 6 in their entirety
Renumber: subsequent subsections

6. Page 7, line 9.
Following: "receives"
Strike: "from the donee"

7. Page 7, line 10.
Following: "statement"
Insert: "from the donee in which the donee agrees to accept the property and"

8. Page 7, line 12.
Strike: "and (c)"

9. Page 7, line 17.
Following: line 16
Insert: "fair market"

10. Page 7, line 19.
Following: "apparatus"
Insert: "intended for use with the computer"
Following: "donated to"
Strike: "an"
Insert: "a public"

11. Page 7, line 20.
Following: "elementary"
Strike: "or"
Insert: ","
Following: "secondary"
Insert: ", or accredited postsecondary"

12. Page 7, line 21.
Following: "no later than"
Strike: "2"
Insert: "5"

13. Page 7, lines 24 and 25.
Strike: lines 24 and 25 in their entirety
Renumber: subsequent subsections

14. Page 8 line 2.
Following: "services;"
Strike: "and"

15. Page 8, line 4.
Following: line 3
Strike: "from the donee"
Following: "statement"
Insert: "from the donee in which the donee agrees to accept the property and"

16. Page 8, line 6.
Strike: "subsections (2) and (3)."
Insert: "subsection (2); and"

17. Page 8, line 7.
Following: line 6
Insert: "(4) The deduction allowed in this section is in lieu of the deduction allowed under 15-30-121 for charitable contributions."

And, as amended, do pass. Report adopted.

SB 202, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Eck, Lynch, R. Manning, Stimatz, Towe.
Total 5

Excused: D. Manning.
Total 1

Absent or not voting: Jacobson.
Total 1

SB 329, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Blaylock, R. Manning, Regan, Towe.
Total 4

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 376, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 41

Noes: Berg, Blaylock, Daniels, Eck, Haffey, Mohar, Regan, Van Valkenburg.
Total 8

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

February 21, 1983

Dear Mr. President:

This is to inform you that I have signed the following measure this date:

Senate bill 160.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

HB 781, introduced by Driscoll, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and is returned to the Senate with the following vote: 2/21/83

House of Representatives

Yeas - 70
Nays - 29

House bill passed on third reading consent calendar and transmitted to the Senate for concurrence: 2/21/83

HB 807, introduced by R. Jensen, Ellison

House bills passed and transmitted to the Senate for concurrence: 2/21/83

HB 93, introduced by Donaldson, et al.

HB 118, introduced by Harper, Donaldson

HB 131, introduced by Menahan, et al.

HB 174, introduced by Harper

HB 247, introduced by Ryan, et al.

HB 284, introduced by Winslow, et al.

HB 312, introduced by Hart, et al.

HB 321, introduced by Seifert, et al.

HB 335, introduced by Nilson

HB 359, introduced by J. Brown, et al.

HB 386, introduced by Vincent, et al.

HB 387, introduced by Vincent, Eck

HB 402, introduced by Eudaily

HB 416, introduced by J. Brown

HB 438, introduced by Hand

HB 472, introduced by D. Brown, et al.

HB 508, introduced by McBride, Stimatz

HB 570, introduced by Williams, Yardley

HB 621, introduced by Ramirez, Yardley

HB 626, introduced by Bardanouve

HB 634, introduced by Compton, et al.

HB 641, introduced by Sands, et al.

HB 656, introduced by Fagg, et al.

HB 672, introduced by Kitselman, et al.

HB 677, introduced by Nilson, et al.

HB 678, introduced by Kitselman, et al.

HB 696, introduced by Fagg

HB 702, introduced by Yardley, et al.

HB 746, introduced by Darko, et al.

House bills passed and transmitted to the Senate for concurrence: 2/22/83

HB 42, introduced by Donaldson, et al.

HB 250, introduced by Vincent

HB 356, introduced by Vincent, et al.

HB 360, introduced by Hart, Brand

HB 373, introduced by Marks, et al.

HB 424, introduced by Shontz, et al.

HB 445, introduced by Ellerd, et al.

HB 479, introduced by Farris, et al.

HB 513, introduced by Pavlovich, et al.

HB 565, introduced by Vinger

HB 591, introduced by Nisbet, et al.

HB 593, introduced by Fagg, et al.

HB 596, introduced by Kadas, et al.

HB 602, introduced by Kitselman

HB 617, introduced by Underdal, et al.

HB 637, introduced by Manuel

HB 638, introduced by Hansen, Waldron

HB 639, introduced by Waldron, Stimatz

HB 643, introduced by J. Jensen, et al.

HB 645, introduced by Sales

HB 651, introduced by Eudaily, Lory

HB 654, introduced by Fagg

HB 655, introduced by Harp, Driscoll

HB 658, introduced by Nordtvedt, et al.

HB 662, introduced by Schye, et al.

HB 670, introduced by Fagg, Sands

HB 675, introduced by Koehnke, et al.

HB 690, introduced by Marks, et al.

HB 698, introduced by Stobie, et al.

HB 705, introduced by Spaeth, et al.

HB 710, introduced by Kitselman, et al.

HB 714, introduced by Spaeth, et al.

HB 716, introduced by Metcalf

HB 728, introduced by Shontz, et al.

HB 731, introduced by Ramirez, Yardley

HB 741, introduced by Addy, D. Brown

HB 764, introduced by Nilson

HB 786, introduced by D. Brown, et al.

HB 794, introduced by Daily

HJR 21, introduced by Bengtson

HJR 22, introduced by Bengtson

House bill passed on third reading consent calendar and transmitted to the Senate for concurrence: 2/22/83

HB 743, introduced by Curtiss, et al.

The House, on 2/22/83, requested the return of HB 359, introduced by J. Brown, et al., for further consideration.

MOTIONS

Senator Hazelbaker moved that the Senate accede to the request of the House of Representatives to return HB 359 for further consideration. Motion carried unanimously.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Van Valkenburg in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 451 - That SB 451, without objection, be moved below SJR 12.

SB 446 - That SB 446 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 447 - That SB 447 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker,

Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 452 - That SB 452 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 455 - That SB 455 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SJR 12 - That SJR 12 do pass. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Graham, Haffey, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lynch, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Stimatz, Towe, Van Valkenburg.
Total 31

Noes: Aklestad, Gage, Galt, Goodover, Keating, Lee, Marbut, Severson, Shaw, Smith, Tveit, Mr. President.
Total 12

Excused: D. Manning.
Total 1

Absent or not voting: Elliott, Hager, Halligan, Story, Thomas, Turnage.
Total 6

SB 451 - That SB 451, without objection, be moved below SB 223.

SJR 14 - That SJR 14, second reading copy, be amended as follows:

1. Page 1, line 22.
Following: "gifts"
Strike: remainder of line 22 through "940.9.3)," on line 23

2. Page 1, line 24.
Following: "than"
Insert: "Student building fees, Regent building fees or"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Fuller, Gage, Graham, Haffey, Halligan, Hazelbaker, Jacobson, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Towe, Van Valkenburg.
Total 34

Noes: Dover, Etchart, Galt, Goodover, Hager, Hammond, Himsl, Keating, Kolstad, Lee, Story, Tveit, Mr. President.
Total 13

Excused: D. Manning.
Total 1

Absent or not voting: Thomas, Turnage.
Total 2

That SJR 14, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Van Valkenburg moved the adoption of the committee report. Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Van Valkenburg in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJR 15 - That SJR 15 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SJR 17 - That SJR 17 do pass. Motion carried as follows:

Ayes: Aklestad, Boylan, Brown, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lee, Lynch, Marbut, McCallum, Mohar, Ochsner, Shaw, Smith, Story, Thomas, Turnage, Mr. President.
Total 30

Noes: Berg, Blaylock, Christiaens, Eck, Fuller, Graham, Haffey, Halligan, Lane, R. Manning, Mazurek, Regan, Severson, Stimatz, Towe, Van Valkenburg.
Total 16

Excused: D. Manning.
Total 1

Absent or not voting: Goodover, Norman, Tveit.
Total 3

SJR 21 - That SJR 21 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.

Total 1

Absent or not voting: None.
Total 0

SB 155 - That SB 155, second reading copy, be amended as follows:

1. Page 2, line 24.
Following: "property"
Insert: "abutting upon the abandoned interest"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

That SB 155, without objection, be moved below SB 401.

SB 170 - That SB 170, second reading copy, be amended as follows:

1. Page 1, lines 19 through 20.
Strike: ", whether <u>other</u> <u>than</u> by right of eminent domain"

Amendment withdrawn.

That SB 170, second reading copy, be amended as follows:

1. Page 2, line 22.
Strike: section 3 in its entirety
Renumber: subsequent sections

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

That SB 170, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 223 - That SB 223, without objection, be moved to the bottom of the board.

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Van Valkenburg moved the adoption of the committee report. Report adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Senator Hazelbaker moved that the Senate recess at 11:36 a.m. Motion carried.

Senate resumed at 1:31 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Van Valkenburg in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 451 - That SB 451, second reading copy, be amended as follows:

1. Title, line 6.
Strike: "THE LEGISLATIVE" through "COMMITTEE," on line 8

2. Title, line 9.
Following: "COMMITTEES"
Insert: "AND SUPERVISE STAFFING AND EMPLOYEE COMPENSATION OF THE LEGISLATIVE COUNCIL, THE LEGISLATIVE FINANCE COMMITTEE, AND THE LEGISLATIVE AUDIT COMMITTEE"

3. Title, line 10.
Strike: "5-12-102,"
Insert: "5-11-105, 5-12-205,"

4. Title, line 11.
Strike: "5-11-101"

5. Title.
Strike: line 12 in its entirety

6. Title, line 13.
Strike: "5-13-201 through 5-13-203,"

7. Title, line 15.
Strike: "5-18-106"
Insert: "5-18-110"

8. Page 3, line 2.
Following: "appoint"
Insert: "an"

9. Page 3, line 3.
Strike: "subcommittees"
Insert: "bipartisan committee of legislators"

10. Page 6, line 22.
Following: "of"
Strike: remainder of line 22 through "committee," on line 24

11. Page 7, line 4.
Following: line 4
Insert: "(2) The legislative services committee shall supervise staffing and employee compensation of the legislative council, the legislative finance committee, and the legislative audit committee."
Renumber: subsequent subsection

12. Page 10.
Following: line 21
Insert: "Section 12. Section 5-11-105, MCA, is amended to read:

"5-11-105. Powers and duties of council. ~~(1) If a question of statewide importance arises when the legislature is not in session and a subcommittee has not been appointed to consider the question, the legislative council shall assign the question to an appropriate subcommittee.~~

~~(2) The legislative council shall supervise the activities of the council staff.~~

~~(3)~~(1) The legislative council shall assist in the preparation and submission of all standing and select committee and subcommittee reports and recommendations to the legislature.

~~(4)~~(2) This section shall not be construed to permit the council to approve or disapprove of any substantive portions or recommendations of a standing or select committee or subcommittee report."

Section 13. Section 5-12-205, MCA, is amended to read:

"5-12-205. Powers and duties of committee. The committee may:

(1) organize, adopt rules to govern its proceedings, and meet as often as necessary, upon the call of the chairman, to advise and consult with the legislative fiscal analyst;

~~(2) employ and set the salary of the legislative fiscal analyst, who shall serve at the pleasure of and be responsible to the committee; and~~

~~(3)~~(2) exercise the investigatory powers of a standing committee under chapter 5, part 1, of this title.""
Renumber: subsequent sections

13. Page 10, line 22.
Strike: section 12 in its entirety
Renumber: subsequent sections

14. Page 11, line 22.
Strike: "and"

15. Page 11, line 23.
Following: "the"
Insert: "legislative audit"
Following: "committee"
Insert: ", and each member of the legislative services committee"

16. Page 18, line 25.
Strike: line 25 in its entirety

17. Page 19, line 1.
Strike: "5-12-304, 5-13-201 through 5-13-203,"

18. Page 19, line 3.
Strike: "5-18-106"
Insert: "5-18-110"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

That SB 451, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Boylan, Brown, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hazelbaker, Keating, Kolstad, Lane, Lee, Marbut, Mazurek, McCallum, Ochsner, Severson, Shaw, Stimatz, Story, Thomas, Turnage, Tveit, Mr. President.
Total 31

Noes: Berg, Christiaens, Eck, Fuller, Haffey, Halligan, Himsl, Jacobson, Lynch, R. Manning, Mohar, Norman, Regan, Smith, Towe, Van Valkenburg.
Total 16

Excused: D. Manning.
Total 1

Absent or not voting: Blaylock, Hammond.
Total 2

SB 293 - That SB 293 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 317 - That SB 317 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 336 - That SB 336, second reading copy, be amended as follows:

1. Page 3, line 25.
Strike: "subsection (1)"
Insert: "[this act]"

2. Page 4, line 2.
Strike: subsections 3 and 4 in their entirety
Renumber: subsequent subsection

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.

Total 47

Noes: Hammond, Tveit.
Total 2

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

That SB 336, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Hammond.
Total 1

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 362 - That SB 362, second reading copy, be amended by adding the following statement of intent:

Statement of Intent
SB 362

A statement of intent is required for this bill because it delegates rulemaking authority to the Department of Natural Resources. It is the intent of the legislature that the department adopt rules relating to standards for dam and reservoir construction to ensure safety; to establish criteria to determine if a dam or reservoir is a high hazard; and to establish the minimum requirements for a dam or reservoir construction permit application.

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

That SB 362, second reading copy, be further amended as follows:

1. Page 13, line 18.
Strike: "MAY"
Insert: "shall"

2. Page 14, line 21.
Strike: "Dam inspection commission"
Insert: "Technical review committee"

3. Page 14, line 22.
Strike: "dam inspection commission"
Insert: "technical review committee"

4. Page 14, line 25.
Strike: "commission"
Insert: "committee"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

That SB 362, as amended, do pass. Motion failed as follows:

Ayes: Blaylock, Daniels, Dover, Eck, Etchart, Halligan, Jacobson, Keating, Lynch, R. Manning, Mohar, Regan, Smith, Stimatz, Thomas, Towe, Van Valkenburg.
Total 17

Noes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Elliott, Fuller, Gage, Galt, Graham, Hager, Hammond, Hazelbaker, Himsl, Kolstad, Lane, Lee, Mazurek, Norman, Ochsner, Severson, Shaw, Story, Turnage, Tveit, Mr. President.
Total 27

Excused: D. Manning.
Total 1

Absent or not voting: Crippen, Goodover, Haffey, Marbut, McCallum.
Total 5

That SB 362 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Gage, Galt, Graham, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, R. Manning, Mazurek, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 36

Noes: Blaylock, Etchart, Fuller, Halligan, Lynch, Mohar, Regan, Stimatz, Thomas, Towe.
Total 10

Excused: D. Manning.
Total 1

Absent or not voting: Goodover, Haffey, Marbut.
Total 3

SB 384 - That SB 384 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Shaw.
Total 1

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 390 - That SB 390 do pass. Motion carried as follows:

Ayes: Aklestad, Boylan, Crippen, Daniels, Dover, Elliott, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lee, Lynch, R. Manning, McCallum, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Mr. President.
Total 27

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Eck, Etchart, Fuller, Graham, Haffey, Halligan, Himsl, Jacobson, Marbut, Mazurek, Mohar, Norman, Regan, Thomas, Towe, Van Valkenburg.
Total 21

Excused: D. Manning.
Total 1

Absent or not voting: Lane.
Total 1

SB 401 - That SB 401 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 155 - That SB 155, second reading copy, be amended as follows:

1. Page 3, line 16.
Following: line 15
Insert: "(5) The interest acquired by a contiguous property owner under subsection (3) is conditioned upon the use of the property for agricultural purposes. If the property is used for commercial purposes or for purposes of subdivision or other similar development, the property shall revert to the state for sale pursuant to Title 60, chapter 4, part 2. This restriction applies to all subsequent holders of title to the property."

That SB 155, without objection, be moved to the bottom of the board.

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Van Valkenburg moved the adoption of the committee report. Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Van Valkenburg in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 418 - That SB 418 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 431 - That SB 431 do pass. Motion failed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Conover, Crippen, Dover, Eck, Hager, Halligan, Hazelbaker, Himsl, Keating, Mazurek, Mohar, Regan, Towe, Turnage, Mr. President.
Total 19

Noes: Boylan, Christiaens, Daniels, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hammond, Jacobson, Kolstad, Lane, Lee,

Lynch, R. Manning, Marbut, Norman, Ochsner, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg.
Total 28

Excused: D. Manning.
Total 1

Absent or not voting: McCallum, Shaw.
Total 2

That SB 431 be indefinitely postponed. Motion carried as follows:

Ayes: Berg, Boylan, Christiaens, Conover, Daniels, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, McCallum, Norman, Ochsner, Severson, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg.
Total 31

Noes: Aklestad, Blaylock, Brown, Crippen, Dover, Eck, Elliott, Hager, Hazelbaker, Himsl, Keating, Mazurek, Mohar, Regan, Shaw, Towe, Turnage, Mr. President.
Total 18

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

Senate recessed at 4:01 p.m.

Senate resumed at 4:12 p.m.

SB 436 - That SB 436, second reading copy, be amended as follows:

1. Title, line 15.
Following: "GOVERNMENTS;"
Insert: "ESTABLISHING RATEMAKING AUTHORITY OVER CLASS D MOTOR CARRIERS,"

2. Title, line 23.
Following: "69-12-423,"
Insert: "69-12-501, 69-12-502,"

3. Page 23, line 5.
Following: "commerce."
Insert: "Section 19. Section 69-12-501, MCA is amended to read:

"69-12-501. Rate Schedules to be maintained. (1) Every Class A, or B, or D motor carrier holding a certificate must maintain on file with the commission a full and complete schedule of its rates, fares, charges, classifications, and rules of service and any and all tariff provisions relating to such rates, fares, charges, classifications, or rules. Every Class A or Class B motor carrier schedule on file and approved on March 7, 1961, shall remain in full force and effect until changed or modified by the commission or by the carrier with the approval of the commission.

(2) No change, modification, alteration, increase, or decrease in any rate, fare, charge, classification, or rule of service shall be made by any motor carrier without first obtaining the approval of the commission. The commission shall prescribe rules providing for the form and style of all schedules and tariffs and for the procedures to be followed in filing or publishing any changes or modifications of the same."

NEW SECTION. Section 20. Existing Class D carrier rates in effect. The rates, tolls, and charges levied by Class D motor carriers that were in effect on January 1, 1983, are the lawful rates, tolls, and charges until they are changed, as provided in Title 69, chapter 12.

"69-12-502. Prohibition on deviation from rate schedules. It shall be unlawful for any Class A. ~~or~~ B. or D motor carrier to charge, demand, receive, or collect any greater or less rate, charge, or fare than that fixed by the commission for the transportation service provided. When maximum or minimum rates have been established for any service provided by any Class C motor carrier, it shall likewise be unlawful for such carrier to charge, demand, receive, or collect any greater compensation or rate than that established for the service by any applicable maximum rate or any less compensation or rate than that established by any applicable minimum rate. It also shall be unlawful for any Class A. ~~or~~ B. or D motor carrier or any Class C motor carrier subject to maximum or minimum rates to refund or remit, in any manner or by any device, any portion of the rates, fares, and charges required to be collected under the schedule of the Class A. ~~or~~ B. or D carrier on file with the commission or under the maximum or minimum rates established by the commission for the Class C carrier.""

This reinserts the stricken language in the second reading copy.
Renumber: subsequent sections

Amendment failed as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Daniels, Eck, Etchart, Fuller, Halligan, Hazelbaker, Himsl, Lane, R. Manning, Mazurek, Mohar, Regan, Severson, Smith, Stimatz, Towe, Van Valkenburg.
Total 22

Noes: Aklestad, Boylan, Dover, Elliott, Gage, Galt, Goodover, Haffey, Hager, Hammond, Jacobson, Keating, Kolstad, Lynch, Marbut, McCallum, Norman, Ochsner, Shaw, Story, Thomas, Tveit, Mr. President.
Total 23

Excused: D. Manning.
Total 1

Absent or not voting: Crippen, Graham, Lee, Turnage.
Total 4

That SB 436, second reading copy, be amended as follows:

1. Page 25, line 6.
Strike: "may"
Insert: "shall"

2. Page 25, line 25.
Following: "commission"
Insert: "shall have full authority"
Strike: "may"

Amendment passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut,

Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Aklestad, Shaw.
Total 2

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

That SB 436, second reading copy, be further amended as follows:

1. Page 20, line 2.
Following: "thereof"
Strike: remainder of line 2 through "counties" on line 4

That SB 436, without objection, be moved to the bottom of the board.

SB 448 - That SB 448 do pass. Motion carried as follows:

Ayes: Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Etchart, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Lane, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 34

Noes: Aklestad, Blaylock, Dover, Elliott, Goodover, Hammond, Keating, Kolstad, Lee, Lynch, Marbut, Regan, Shaw, Story, Turnage.
Total 15

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 450 - That SB 450, second reading copy, be amended as follows:

1. Page 7, line 2.
Following: "fee of"
Insert: "not less than"
Following: "The"
Insert: "one-time license fee shall be distributed as follows: $10,000 to the local government of the over quota area in which the canceled all-beverage license is located and the balance, which may not be less than $40,000, to the"

2. Page 7, lines 5 and 6.
Following: "all-beverage license"
Strike: "shall receive $40,000 of the $50,000 paid by the new licensee"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning,

Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

That SB 450, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Conover, Crippen, Dover, Eck, Elliott, Goodover, Graham, Hager, Halligan, Himsl, Keating, Mazurek, McCallum, Mohar, Ochsner, Regan, Shaw, Towe, Turnage, Van Valkenburg, Mr. President.
Total 25

Noes: Boylan, Christiaens, Daniels, Etchart, Fuller, Gage, Galt, Haffey, Hammond, Hazelbaker, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Norman, Severson, Smith, Stimatz, Thomas, Tveit.
Total 23

Excused: D. Manning.
Total 1

Absent or not voting: Story.
Total 1

SB 454 - That SB 454, second reading copy, be amended as follows:

1. Page 3, line 17.
Strike: "sinking"
Insert: "highway earmarked revenue"

2. Page 4, line 3.
Strike: "sinking"
Insert: "separate"

3. Page 4, line 4.
Following: "indenture."
Insert: "No more than the principal and interest on the bonds due in any year may be retained in the separate account for the payment of bonds. The remainder of pledged revenues is available for authorized purposes of the department."

4. Page 4, line 5.
Strike: "sinking"
Insert: "separate"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

That SB 454, as amended, being a Constitutional Amendment, pass the Senate pursuant to Rule 6-28. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Ochsner, Regan, Severson, Shaw, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Elliott, Keating, Mohar, Norman, Smith.
Total 5

Excused: D. Manning.
Total 1

Absent or not voting: Story.
Total 1

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Van Valkenburg moved the adoption of the committee report. Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Van Valkenburg in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 456 - That SB 456 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SJR 16 - That SJR 16 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Van Valkenburg moved the adoption of the committee report. Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Van Valkenburg in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 223 - That SB 223 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Gage, Galt, Graham, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Shaw, Smith, Story, Turnage, Mr. President.
Total 29

Noes: Berg, Blaylock, Boylan, Christiaens, Daniels, Fuller, Goodover, Haffey, Jacobson, Lane, Lee, Lynch, R. Manning, Norman, Severson, Stimatz, Thomas, Towe, Tveit, Van Valkenburg.
Total 20

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 155 - That SB 155, second reading copy, be amended as follows:

1. Page 2, line 24.
Following: "property"
Insert: "abutting upon the abandoned interest"

2. Page 3, line 16.
Following: line 15
Insert: "(5) The interest acquired by a contiguous property owner under subsection (3) is conditioned upon the use of the property for agricultural or noncommercial purposes. If the property is

used for commercial purposes or for purposes of future subdivision or other similar development, the property shall revert to the state for sale pursuant to Title 60, chapter 4, part 2. This restriction applies to all subsequent holders of title to the property."

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

That SB 155, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 436 - That SB 436, second reading copy, be amended as follows:

1. Title, line 15.
Following: "GOVERNMENTS;"
Insert: "ESTABLISHING RATEMAKING AUTHORITY OVER CLASS D MOTOR CARRIERS,"

2. Title, line 23.
Following: "69-12-423,"
Insert: "69-12-501, 69-12-502,"

Amendment failed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Eck, Elliott, Fuller, Graham, Halligan, Hazelbaker, Himsl, Jacobson, Lane, R. Manning, Mazurek, Mohar, Regan, Severson, Towe, Turnage, Van Valkenburg.
Total 24

Noes: Aklestad, Conover, Dover, Etchart, Gage, Galt, Goodover, Haffey, Hager, Hammond, Keating, Kolstad, Lee, Lynch, Marbut, McCallum, Norman, Ochsner, Shaw, Smith, Stimatz, Story, Tveit, Mr. President.
Total 24

Excused: D. Manning.
Total 1

Absent or not voting: Thomas.
Total 1

That SB 436, second reading copy, be amended as follows:

1. Page 25, line 6.
Strike: "may"
Insert: "shall"

2. Page 25, line 25.
Following: "commission"
Insert: "shall have full authority"
Strike: "may"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

That SB 436, second reading copy, be further amended as follows:

1. Page 19, line 16.
Following: "~~contracts.~~"
Insert: "The presentation of the written contract to the commission shall be deemed sufficient proof of public convenience and necessity in accordance with the terms and conditions contained within the United States government or state or local government contract."

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.

Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

That SB 436, second reading copy, be further amended as follows:

1. Title, line 5.
Strike: "or local"

2. Page 20, line 2.
Following: "thereof"
Strike: remainder of line 2 through line 4

3. Page 20, line 7.
Strike: "or local"

4. Page 20, lines 9 and 10.
Strike: "or local"

5. Page 20, line 11.
Strike: "or local"

6. Page 20, line 18.
Strike: "or local"

7. Page 20, line 21.
Strike: "or local"

Amendment passed as follows:

Ayes: Aklestad, Berg, Christiaens, Conover, Crippen, Dover, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, McCallum, Mohar, Norman, Ochsner, Severson, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 32

Noes: Blaylock, Boylan, Brown, Daniels, Eck, Elliott, Fuller, Halligan, Hazelbaker, Himsl, Jacobson, Mazurek, Regan, Shaw, Smith, Towe.
Total 16

Excused: D. Manning.
Total 1

Absent or not voting: Turnage.
Total 1

That SB 436, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Van Valkenburg moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 108 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Elliott, Gage, Hager, Lee, Severson, Shaw.
Total 6

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 224 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Elliott, Etchart, Severson, Shaw.
Total 4

Excused: D. Manning.
Total 1

Absent or not voting: Galt, Hammond, Story.
Total 3

SB 225 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 242 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 246 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 297 passed as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Blaylock.
Total 1

Excused: D. Manning.

Total 1

Absent or not voting: None.
Total 0

SB 308 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Story.
Total 1

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 309 passed as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 38

Noes: Blaylock, Daniels, Fuller, Haffey, Halligan, Jacobson, Lynch, R. Manning, Regan, Stimatz, Van Valkenburg.
Total 11

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 325 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 330 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 332 passed as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Aklestad, Boylan, Dover, Gage, Lee, Story.
Total 6

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 382 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Elliott.
Total 1

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 394 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lynch, R. Manning, Mazurek, Mohar, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.

Total 39

Noes: Haffey, Jacobson, Lee, McCallum, Norman, Ochsner, Smith, Tveit, Van Valkenburg.
Total 9

Excused: D. Manning.
Total 1

Absent or not voting: Marbut.
Total 1

SB 403 passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Aklestad, Galt, Lee, Shaw.
Total 4

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 414 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Eck.
Total 1

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 421, being a Constitutional Amendment requiring a two-thirds vote of the Legislature, was sent to the House with the following vote:

Ayes: Aklestad, Daniels, Dover, Etchart, Gage, Galt, Hammond, Hazelbaker, Kolstad, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 18

Noes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Eck, Elliott, Fuller, Goodover, Graham, Haffey, Hager, Halligan, Himsl, Jacobson, Keating, Lane, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 30

Excused: D. Manning.
Total 1

Absent or not voting: Lee.
Total 1

SB 422 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 429 passed as follows:
Ayes: Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Fuller, Galt, Graham, Haffey, Hager, Halligan, Jacobson, Keating, Kolstad, Lane, Lynch, R. Manning, Marbut, Mazurek, Norman, Regan, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 31

Noes: Aklestad, Blaylock, Elliott, Etchart, Gage, Goodover, Hammond, Hazelbaker, Himsl, McCallum, Mohar, Ochsner, Severson, Shaw, Smith, Story, Tveit.
Total 17

Excused: D. Manning.
Total 1

Absent or not voting: Lee.
Total 1

SB 453 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 45

Noes: Daniels, Gage, Shaw, Tveit.
Total 4

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SJR 10 passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Fuller, Gage, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 38

Noes: Aklestad, Elliott, Etchart, Galt, Goodover, Hammond, Kolstad, Lee, Severson, Shaw, Tveit.
Total 11

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SJR 18 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly engrossed: SB 155, SB 170, SB 293, SB 317, SB 384, SB 390, SB 418, SB 436, SB 446, SB 447, SB 448, SB 450, SB 451, SB 452, SB 454, SB 455, SB 456, SJR 12, SJR 14, SJR 15, SJR 16, SJR 17, SJR 21.

TAXATION (Goodover, Chairman):
SB 244, introduced bill, be amended as follows:

1. Title, lines 5 and 6.
Following: "REQUIRING"
Strike: "AN ADDITION TO ADJUSTED GROSS INCOME FOR"
Insert: "A SEPARATE TAX ON"

2. Title, line 7.
Following: "PAYMENTS;"
Strike: "AMENDING SECTION 15-30-111, MCA;"

3. Page 1, line 11.
Strike: section 1 in its entirety
Insert: "NEW SECTION. Section 1. Tax on lump-sum distributions. (1) There is imposed a separate tax on the ordinary income portion of a lump-sum distribution.

(2) The tax is 10% of the amount of tax determined under section 402(e) of the Internal Revenue Code of 1954, as amended, or as section 402(e) may be renumbered or amended.

(3) All means available for the administration and enforcement of income taxes shall be applied to the tax on lump-sum distributions."

4. Page 4.
Following: line 4
Insert: "NEW SECTION. Section 2. Codification instruction. Section 1 is intended to be codified as an integral part of Title 15, chapter 30, and the provisions of Title 15, chapter 30, apply to section 1."
Renumber: subsequent section

And, as amended, do pass. Report adopted.

SB 264, introduced bill, be amended as follows:

1. Page 1, line 12.
Following: "The department may"
Insert: "or shall at the request of the taxpayer"

2. Page 1, line 23.
Following: line 22
Insert: "(2) For purposes of subsection (1)(b), market value f.o.b. mine means the value of the coal subsequent to primary and secondary crushing but prior to drying, cleaning, or other processing."
Renumber: subsequent subsections

3. Page 2.
Following: line 10
Insert: "NEW SECTION. Section 2. Use of imputed value for coal gross proceeds. Whenever value is imputed under 15-35-107(1)(b), that value shall be used for purposes of reporting the value of the gross yield of coal under 15-23-701.

NEW SECTION. Section 3. Codification instruction. Section 2 is intended to be codified as an integral part of Title 15, chapter 23, part 7, and the provisions of Title 15, chapter 23, part 7, apply to section 2."

And, as amended, do pass. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
SB 264

It is the intent of SB 264 to give the Department of Revenue authority to adopt rules to impute the market value of coal prior to drying, cleaning or processing designed to improve the quality of the coal. The rules adopted shall:

1. Allow the taxpayer to pay applicable taxes based on market price of like coal prior to processing.
2. Impute market price regardless of whether the processing takes place at the mine site or not.
3. Reflect that the intent is to exempt said processing from applicable taxation.

MOTIONS

Senator Lee moved that HB 574 be taken from the Committee on Highways and Transportation and that it be referred to the Committee on Business and Industry. Motion carried unanimously.

Senator Towe moved that SB 419 be taken from the Committee on Business and Industry and that it be printed and placed on second reading. Motion failed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Himsl, R. Manning, Marbut, McCallum, Mohar, Regan, Towe.
Total 14

Noes: Aklestad, Boylan, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lee, Lynch, Mazurek, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 34

Excused: D. Manning.
Total 1

Absent or not voting: Lane.
Total 1

Senator Mazurek moved that SB 197 be taken from the Committee on Labor and Industry and that it be printed and placed on second reading. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Galt, Graham, Haffey, Hager, Halligan, Hammond, Keating, Kolstad, Lane, Lee, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 37

Noes: Aklestad, Etchart, Gage, Goodover, Hazelbaker, Himsl, Lynch, R. Manning, Stimatz, Tveit, Mr. President.
Total 11

Excused: D. Manning.
Total 1

Absent or not voting: Jacobson.
Total 1

Senator Halligan moved that SB 21 be taken from the Committee on Local Government and that it be printed and placed on second reading. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Fuller, Goodover, Graham, Haffey, Hager, Halligan, Himsl, Jacobson, Kolstad, Lane, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Stimatz, Thomas, Towe, Van Valkenburg.
Total 33

Noes: Aklestad, Dover, Etchart, Gage, Galt, Hammond, Hazelbaker, Keating, Shaw, Smith, Story, Tveit, Mr. President.
Total 13

Excused: D. Manning.
Total 1

Absent or not voting: Lee, McCallum, Turnage.
Total 3

Senator Daniels moved that SB 393 be taken from the Committee on Judiciary and that it be printed and placed on second reading. Motion failed as follows:

Ayes: Berg, Boylan, Daniels, Elliott, Gage, Galt, Jacobson, Kolstad, Lane, Lee, Lynch, Mazurek, Mohar, Shaw, Stimatz, Turnage, Tveit.
Total 17

Noes: Aklestad, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Etchart, Fuller, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, R. Manning, Marbut, McCallum, Ochsner, Regan, Severson, Smith, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 30

Excused: D. Manning.
Total 1

Absent or not voting: Graham, Norman.
Total 2

Senator Eck moved that SJR 13 be taken from the Committee on Legislative Administration and that it be printed and placed on second reading. Motion failed as follows:

Ayes: Berg, Christiaens, Conover, Eck, Fuller, Haffey, Hager, Halligan, Himsl, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Regan, Stimatz, Towe, Van Valkenburg.
Total 19

Noes: Aklestad, Blaylock, Boylan, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hammond, Hazelbaker, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 28

Excused: D. Manning.
Total 1

Absent or not voting: Daniels, Norman.
Total 2

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):

Correctly printed and placed on the members' desks: SB 204, SB 363.

Correctly engrossed: SB 157, SB 173, SB 313, SB 316, SB 319, SB 322, SB 347, SB 355, SB 370, SB 388, SB 398, SB 400, SB 404, SB 406, SB 409, SB 410, SB 412, SB 415, SB 420, SB 423, SB 425, SB 426, SB 428, SB 430, SB 432, SB 435, SB 438, SB 439, SB 441, SB 443, SB 445.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 8:01 p.m., until Wednesday, February 23, 1983, at the hour of 10:00 a.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FORTY-FIFTH LEGISLATIVE DAY

Helena, Montana
February 23, 1983

Senate Chambers
State Capitol

Senate convened at 10:00 a.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except D. Manning, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the forty-fourth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 21, SB 244, SB 264.

JUDICIARY (Turnage, Chairman):
HB 452, third reading copy, be amended as follows:

1. Title, line 13.
Following: "COMMERCE;"
Insert: "PROHIBITING THE RESULTS OF A POLYGRAPH EXAMINATION FROM BEING INTRODUCED OR ADMITTED INTO EVIDENCE;"

2. Page 8, line 5.
Strike: "Admissibility"
Insert: "Inadmissibility"

3. Page 8, line 6.
Strike: "Nothing in [sections 1 through 15] permits the"

4. Page 8, line 8.
Strike: "to"
Insert: "may not"

And, as amended, be concurred in. Report adopted.

HB 143, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 45

Noes: Boylan, Eck, Stimatz.
Total 3

Excused: D. Manning.
Total 1

Absent or not voting: Van Valkenburg.
Total 1

HB 323, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 46

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: Aklestad, Stimatz, Mr. President.
Total 3

HB 327, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: Stimatz.
Total 1

TAXATION (Goodover, Chairman):

SB 307, as amended, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Lane, R. Manning, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 34

Noes: Blaylock, Crippen, Dover, Haffey, Halligan, Jacobson, Keating, Kolstad, Lee, Lynch, Marbut, Mazurek, Norman, Stimatz, Van Valkenburg.
Total 15

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 337, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Stimatz, Towe.
Total 2

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 2/22/83

HB 136, introduced by Bardanouve

HB 156, introduced by Pavlovich, et al.

HB 185, introduced by Connelly, et al.

HB 228, introduced by Quilici, et al.

HB 286, introduced by Quilici, Lory

HB 288, introduced by Kadas, et al.

HB 401, introduced by R. Jensen, et al.

HB 449, introduced by Bardanouve

HB 603, introduced by Peck, et al.

HB 646, introduced by Lory, et al.

HB 673, introduced by Iverson, Manuel

HB 689, introduced by Winslow, et al.

HB 691, introduced by Brand, et al.

HB 699, introduced by Winslow

HB 724, introduced by Daily

HB 742, introduced by O'Connell

HB 763, introduced by Fabrega, et al.

HB 776, introduced by Shontz, Ramirez

HB 792, introduced by Winslow

HB 795, introduced by Committee on Labor and Employment Relations

HB 814, introduced by Kadas, et al.

HB 822, introduced by Donaldson

HB 846, introduced by Brand

HB 847, introduced by Driscoll

HB 851, introduced by Jacobsen, et al.

HJR 13, introduced by Nordtvedt

HJR 27, introduced by Shontz

MOTIONS

Senator Mazurek moved that the temporary rules be temporarily suspended in order that SB 197 be printed and placed on second reading this day. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 43

Noes: Etchart, Goodover, Lee, Ochsner, Severson, Tveit.
Total 6

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Etchart in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 197 - That SB 197, introduced bill, be amended as follows:

1. Title, line 6.
Strike: "THE NATURE OF THE PREFERENCE AND"

2. Title, line 7.
Strike: "10-2-201 THROUGH"
Insert: "10-2-205 AND"

3. Page 1, line 11 through page 7, line 19.
Strike: sections 1 through 4 in their entirety
Renumber: subsequent sections

4. Page 7, line 22.
Strike: "or certain"
Insert: "and"

5. Page 7, line 23.
Strike: "7"
Insert: "3"

6. Page 8, line 9.

Strike: "certain dependents"
Insert: "a dependent"

7. Page 8, line 15.
Strike: "7"
Insert: "3"

8. Page 8, line 24.
Strike: "7"
Insert: "3"

9. Page 9, line 4.
Strike: "certain dependents"
Insert: "the dependent"

10. Page 9, line 7.
Strike: "30"
Insert: "60"

11. Page 9, line 9.
Strike: "certain dependents"
Insert: "dependent"

12. Page 9, line 16.
Strike: "7"
Insert: "3"

13. Page 10, line 9.
Following: "implement"
Insert: "10-2-201 through 10-2-206 of"

14. Page 10, line 13.
Strike: "7"
Insert: "3"

15. Page 10, line 14.
Strike: "7"
Insert: "3"

16. Page 10, line 16.
Strike: "7"
Insert: "3"

That SB 197, introduced bill, be further amended by adding the following statement of intent:

Statement of Intent
SB 197

It is the intent of the Legislature to assist those individuals who because of their disability or their military service to this country have been disadvantaged in obtaining (and retaining) employment. This bill gives the Department of Administration authority to adopt rules for the effective and equitable administration of this act. It is contemplated that rules should address the following:

(1) procedures for consistent and affirmative implementation of the veterans and disabled civilians preference by public employers.

(2) clarification of the terms used in 10-2-201 through 10-2-206, as amended.

(3) standards and criteria to be applied by Department of Social and Rehabilitation Services in determining if specific conditions are disabilities under this act.

(4) criteria for determining whether a person is a dependent of a veteran.

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: Marbut, Smith, Story.
Total 3

That SB 197, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

At the request of Senator Mazurek, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Mazurek moved that the temporary rules be temporarily suspended in order that SB 197 be considered correctly engrossed and that it be printed and placed on third reading this day. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Goodover, Lee.
Total 2

Excused: D. Manning.

Total 1

Absent or not voting: Severson, Story.
Total 2

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 157 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Dover.
Total 1

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 173 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Stimatz, Thomas, Towe, Turnage, Van Valkenburg.
Total 42

Noes: Dover, Goodover, Ochsner, Smith, Story, Tveit, Mr. President.
Total 7

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 313 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Etchart, Galt, Shaw.
Total 3

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 316 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Elliott, Goodover, Keating, Shaw.
Total 4

Paired: D. Manning, Aye; Shaw, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 319 passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Aklestad, Mohar, Shaw.
Total 3

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 322 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Hager, R. Manning, Towe.
Total 3

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 347 passed as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager,

Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Marbut, Mazurek, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 39

Noes: Blaylock, Eck, Fuller, Haffey, Jacobson, Lynch, R. Manning, Mohar, Regan, Stimatz.
Total 10

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 355 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Stimatz.
Total 1

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 370 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 388 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 390 passed as follows:

Ayes: Aklestad, Boylan, Crippen, Daniels, Dover, Elliott, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lee, Lynch, R. Manning, McCallum, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Mr. President.
Total 27

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Eck, Etchart, Fuller, Graham, Haffey, Halligan, Himsl, Jacobson, Marbut, Mazurek, Mohar, Norman, Regan, Thomas, Towe, Van Valkenburg.
Total 21

Excused: D. Manning.
Total 1

Absent or not voting: Lane.
Total 1

SB 398 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: Graham.
Total 1

SB 400 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Dover, Story.
Total 2

Excused: D. Manning.

Total 1

Absent or not voting: None.
Total 0

SB 404 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Himsl.
Total 1

Excused: D. Manning.
Total 1

Absent or not voting: Towe.
Total 1

SB 406 passed as follows:

Ayes: Aklestad, Boylan, Brown, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, Mazurek, McCallum, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 30

Noes: Berg, Blaylock, Christiaens, Conover, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Mohar, Norman, Ochsner, Regan, Stimatz, Towe, Van Valkenburg.
Total 19

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 409 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 410 passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 38

Noes: Aklestad, Dover, Hager, Hammond, Keating, Kolstad, Ochsner, Shaw, Smith, Tveit, Mr. President.
Total 11

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 412 passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, R. Manning, Mazurek, Mohar, Norman, Ochsner, Regan, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 36

Noes: Aklestad, Dover, Elliott, Galt, Hager, Hammond, Kolstad, Lee, Marbut, Severson, Shaw, Tveit.
Total 12

Excused: D. Manning.
Total 1

Absent or not voting: McCallum.
Total 1

SB 415 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 420 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson,

Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 423 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Stimatz.
Total 1

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 425 passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Aklestad, Hammond, Himsl, Shaw.
Total 4

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 426 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Eck, Himsl, R. Manning, Mohar, Towe.
Total 5

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 428 passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Elliott, Etchart, Fuller, Gage, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 35

Noes: Aklestad, Dover, Eck, Galt, Goodover, Hammond, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 14

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 430 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 432 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Mazurek.
Total 1

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 435 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 438 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 47

Noes: Lynch, Van Valkenburg.
Total 2

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 439 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 441 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker,

Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 443 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 445 passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Aklestad, Etchart, Hammond, Shaw, Story.
Total 5

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 455 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SJR 12 passed as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Kolstad, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 38

Noes: Aklestad, Boylan, Dover, Gage, Galt, Himsl, Keating, Lee, Severson, Shaw, Smith.
Total 11

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SJR 14 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Galt, Keating.
Total 2

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SJR 15 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SJR 17 passed as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lee, Lynch, R. Manning, Marbut, McCallum, Norman, Ochsner, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Mr. President.
Total 37

Noes: Berg, Eck, Graham, Haffey, Halligan, Lane, Mazurek, Mohar, Regan, Severson, Towe, Van Valkenburg.
Total 12

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 170 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 293 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 317 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 384 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 46

Noes: Mohar, Shaw, Tveit.
Total 3

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 418 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Himsl, Shaw.
Total 2

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 436 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson,

Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Shaw.
Total 1

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 447 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 448 passed as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Eck, Etchart, Fuller, Galt, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 37

Noes: Aklestad, Brown, Dover, Elliott, Gage, Goodover, Hammond, Lynch, Marbut, Regan, Shaw, Turnage.
Total 12

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 450 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Graham, Hager, Halligan, Hazelbaker, Himsl, Keating, Kolstad, Mazurek, McCallum, Mohar, Regan, Shaw, Story, Towe, Turnage, Van Valkenburg, Mr. President.
Total 27

Noes: Boylan, Christiaens, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hammond, Jacobson, Lane, Lynch, R. Manning, Marbut, Norman, Ochsner, Severson, Smith, Stimatz, Thomas, Tveit.
Total 21

Excused: D. Manning.
Total 1

Absent or not voting: Lee.
Total 1

SB 451 passed as follows:

Ayes: Aklestad, Boylan, Brown, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lane, Marbut, Mazurek, McCallum, Ochsner, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 31

Noes: Berg, Blaylock, Christiaens, Eck, Fuller, Haffey, Halligan, Himsl, Jacobson, Lee, Lynch, R. Manning, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 18

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 452 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 454, being a Constitutional Amendment requiring a two-thirds vote of the Legislature, was sent to the House with the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Keating, Norman, Ochsner, Smith.
Total 4

Paired: D. Manning, Regan, Ayes; Norman, No.

Excused: None.
Total 0

Absent or not voting: None.

Total 0

SB 456 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 47

Noes: Boylan, Tveit.
Total 2

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SJR 16 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SJR 21 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: Hager.
Total 1

Senate recessed subject to the call of the Chair at 11:17 a.m.

Senate resumed at 11:30 a.m.

At the request of Senator Hazelbaker, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Hazelbaker moved that the temporary rules be temporarily suspended in order that SB 336 and SB 401 be considered correctly engrossed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Towe, Turnage, Van Valkenburg, Mr. President.
Total 40

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: Etchart, Hager, Himsl, Lee, Lynch, Shaw, Story, Thomas, Tveit.
Total 9

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 155 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: Etchart, Story.
Total 2

SB 336 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 41

Noes: Dover, Etchart, Hammond, Keating, Lee, Shaw, Tveit.
Total 7

Excused: D. Manning.
Total 1

Absent or not voting: Story.
Total 1

SB 401 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 446 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 197 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.

Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

TAXATION (Goodover, Chairman):

SB 159, introduced bill, be amended as follows:

1. Title, line 4.
Following: "AN ACT TO"
Strike: "REDUCE"
Insert: "DELAY THE 1 PERCENT INCREASE IN"

2. Title, line 5.
Following: "SEVERANCE TAX"
Strike: "TO 3 PERCENT"

3. Page 1, line 24.
Following: "(a) ~~5%~~"
Strike: "3%"
Insert: "5%"

4. Page 2, line 2.
Following: line 1
Strike: "1983"
Insert: "1981"

5. Page 2, line 5.
Following: "~~thereafter~~"
Insert: ", and on or before March 31, 1985, and 6% of the total gross value of all the petroleum and other mineral or crude oil produced by such person from each lease or unit thereafter"

And, as amended, do pass. Report adopted.

SB 335, do pass. Report adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 11:39 a.m., until Monday, February 28, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

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OF THE

Forty-Eighth Legislature

OF THE

State of Montana

VOLUME II

MONTANA LEGISLATIVE COUNCIL
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**Held in Helena, the Seat of Government
Commencing in Regular Session January 3, 1983 and
Ending April 21, 1983**

Stan Stephens
President of the Senate

John W. Larson
Secretary of the Senate

Nikki Dye
Journal Clerk

Karen Jacobson
Asst. Journal Clerk

Carmen Hanson
Data Entry Clerk

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FORTY-SIXTH LEGISLATIVE DAY

Helena, Montana
February 28, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Conover, Graham, D. Manning, Tveit, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the forty-fifth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 159, SB 335.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully report as follows:

That the following attaches of the Senate be employed as of 8:00 a.m. on Monday, February 28, 1983:

Bridget Cavanaugh.....Page
Scott McArthur.....Page
Colleen McGowan.....Page
Kelly K. Minnehan.....Page
Shari Nelson.....Page
Cheryl Parzich.....Page
Amy Roach.....Page
Lisa Schaefer.....Page
Jennifer Simic.....Page

And that the following attaches of the Senate be terminated as of 5:00 p.m. on Wednesday, February 23, 1983:

Christine Blouke.....Page
Patricia Cearley.....Page
Lisa Michels.....Page
Kathleen Mulroney.....Page
Steve Roberts.....Page
Patrice Seubert.....Page
Ward "Phil" Shanahan.....Page
Tamara Steinley.....Page
Angie Ward.....Page
Tracey Williams.....Page

Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
HB 85, be concurred in. Report adopted.
HB 159, be concurred in. Report adopted.
HB 432, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 138, be concurred in. Report adopted.
HB 216, be concurred in. Report adopted.
HB 233, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):

SB 360, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Marbut, Mazurek, McCallum, Severson, Shaw, Smith, Story, Thomas, Turnage, Mr. President.
Total 32

Noes: Berg, Blaylock, Eck, Fuller, Jacobson, Lynch, R. Manning, Mohar, Norman, Ochsner, Regan, Stimatz, Towe, Van Valkenburg.
Total 14

Excused: Conover, Graham, D. Manning, Tveit.
Total 4

Absent or not voting: None.
Total 0

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

HB 832, introduced by Fabrega, et al., requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, passed the House and is transmitted to the Senate for concurrence, with the following vote: 2/23/83

House of Representatives

Yeas - 77
Nays - 22

House bills passed and transmitted to the Senate for concurrence: 2/23/83

HB 100, introduced by Kemmis, et al.

HB 105, introduced by Winslow, et al.

HB 269, introduced by J. Brown, et al.

HB 281, introduced by Dozier

HB 282, introduced by Kadas, et al.

HB 283, introduced by Winslow, et al.

HB 309, introduced by Bardanouve

HB 371, introduced by Kemmis, et al.

HB 419, introduced by Donaldson, et al.

HB 495, introduced by Hannah, et al.

HB 540, introduced by Vincent, et al.

HB 548, introduced by Marks, et al.

HB 580, introduced by Darko

HB 604, introduced by Wallin, et al.

HB 625, introduced by McBride, et al.

HB 627, introduced by Dozier

HB 632, introduced by Bliss

HB 636, introduced by Peck, et al.

HB 659, introduced by J. Jensen, et al.

HB 663, introduced by Bengtson

HB 671, introduced by Menahan, Pavlovich

HB 685, introduced by Harper, et al.

HB 687, introduced by Menahan

HB 700, introduced by Fabrega, et al.

HB 701, introduced by Fagg, Menahan

HB 708, introduced by Quilici

HB 715, introduced by Waldron

HB 720, introduced by Lory

HB 721, introduced by Wallin, et al.

HB 730, introduced by Shontz

HB 732, introduced by Harper, et al.

HB 733, introduced by Bengtson, Towe

HB 749, introduced by Hemstad, et al.

HB 750, introduced by Dozier

HB 762, introduced by Lory, et al.

HB 766, introduced by Asay, et al.

HB 770, introduced by Hansen, et al.

HB 772, introduced by Bengtson, et al.

HB 774, introduced by Addy, et al.

HB 782, introduced by Winslow

HB 788, introduced by O'Connell

HB 789, introduced by Abrams, et al.

HB 798, introduced by McBride, et al.

HB 802, introduced by D. Brown, et al.

HB 805, introduced by Waldron

HB 808, introduced by Kitselman

HB 809, introduced by Waldron, et al.

HB 811, introduced by Yardley

HB 812, introduced by Shontz, Yardley

HB 818, introduced by Bengtson, Towe

HB 820, introduced by Asay, et al.

HB 825, introduced by Jacobsen, et al.

HB 826, introduced by Ellison

HB 830, introduced by Hansen, et al.

HB 836, introduced by J. Jensen, et al.

HB 850, introduced by Driscoll, et al.

HB 853, introduced by Miller, et al.

HB 855, introduced by Ramirez, Spaeth

HB 856, introduced by Bergene, Vincent

HB 857, introduced by Abrams

HB 859, introduced by Waldron

HB 861, introduced by Quilici, Bardanouve

HB 862, introduced by Shontz, et al.

HB 871, introduced by Fagg, et al.

HB 872, introduced by Sales

HB 873, introduced by J. Brown, et al.

HB 879, introduced by Peck, et al.

HB 880, introduced by Bergene, et al.

HB 886, introduced by Pavlovich

HB 887, introduced by Marks, Kemmis

HB 888, introduced by Marks, et al.

HJR 5, introduced by Fabrega, et al.

HJR 8, introduced by Vincent, et al.

HJR 20, introduced by Marks, et al.

HJR 23, introduced by Bergene, et al.

HJR 26, introduced by Ernst, et al.

HJR 29, introduced by Ramirez, et al.

HJR 30, introduced by Menahan, et al.

MOTIONS

Senator Dover moved that the Senate reconsider its action in adopting the adverse committee report on SB 307 and that it be printed and placed on second reading. Motion failed as follows:

Ayes: Boylan, Christiaens, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Galt, Haffey, Jacobson, Keating, Lee, Lynch, Marbut, Mazurek, McCallum, Norman, Smith, Stimatz, Thomas, Van Valkenburg.
Total 22

Noes: Aklestad, Berg, Blaylock, Brown, Elliott, Gage, Goodover, Hager, Halligan, Hammond, Hazelbaker, Himsl, Kolstad, Lane, R. Manning, Mohar, Ochsner, Regan, Severson, Shaw, Story, Towe, Turnage, Mr. President.
Total 24

Excused: Conover, Graham, D. Manning, Tveit.
Total 4

Absent or not voting: None.
Total 0

Senator Regan moved that consideration on SB 264 be passed. Motion carried unanimously.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Severson in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 21 - That SB 21, second reading copy, be amended as follows:

1. Title, line 4.
Following: "AUTHORIZE"
Insert: "GENERAL PURPOSE"

2. Title, line 6.
Following: "SERVICES TO"
Insert: "SENIOR CITIZENS AND"

3. Page 1, line 10.
Following: "for"
Insert: "senior citizens and"
Following: "handicapped."
Insert: "(1)"
Following: "A"
Insert: "general purpose"

4. Page 1, line 13.
Following: "services for"
Insert: "senior citizens and"

5. Page 1, line 14.
Following: "persons."
Insert: "(2)"
Following: "The"
Insert: "general purpose"

6. Page 1, line 16.
Following: line 15
Strike: lines 16 and 17
Insert: "(a) contract with public or private transportation providers for services to senior citizens and handicapped individuals; or"

7. Page 1, line 18.
Strike: "(2)"
Insert: "(b)"

8. Page 1, line 20.
Following: "providers"
Strike: "; and"
Insert: " "

9. Page 1, line 21.
Following: "(3)"
Strike: remainder of lines 21 and 22

Insert: "If the general purpose local government determines that it is not in the best interest of senior citizens and handicapped individuals to use the tax levy as provided for in subsection (2), the general purpose local government may use the proceeds of the levy to establish and operate an independent transportation system for senior citizens and handicapped individuals.

(4) General purpose local governments are encouraged to enter into interlocal agreements to provide regional transportation services to senior citizens and handicapped persons and may create regional advisory committees to coordinate regional transportation services."

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Conover, Graham, D. Manning, Tveit.
Total 4

Absent or not voting: None.
Total 0

That SB 21, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 44

Noes: Hammond, Shaw.
Total 2

Excused: Conover, Graham, D. Manning, Tveit.
Total 4

Absent or not voting: None.
Total 0

SB 204 - That SB 204 do pass. Motion carried as follows:

Ayes: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Marbut, Mazurek, McCallum, Shaw, Smith, Story, Thomas, Turnage, Van Valkenburg, Mr. President.
Total 28

Noes: Berg, Blaylock, Boylan, Christiaens, Daniels, Eck, Fuller, Haffey, Jacobson, Lynch, R. Manning, Mohar, Norman, Ochsner, Regan, Severson, Stimatz, Towe.
Total 18

Excused: Conover, Graham, D. Manning, Tveit.
Total 4

Absent or not voting: None.
Total 0

SB 244 - That SB 244, second reading copy, be amended as follows:

1. Page 4, lines 8 and 9.
Strike: "the ordinary income portion of a"

2. Page 4, line 9.
Strike: "distribution"
Insert: "distributions"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 45

Noes: Mr. President.
Total 1

Excused: Conover, Graham, D. Manning, Tveit.
Total 4

Absent or not voting: None.
Total 0

That SB 244, as amended, do pass. Motion carried as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Crippen, Daniels, Eck, Elliott, Fuller, Gage, Haffey, Hager, Halligan, Himsl, Jacobson, Lane, R. Manning, Mazurek, Mohar, Norman, Regan, Severson, Stimatz, Thomas, Towe, Van Valkenburg.
Total 26

Noes: Aklestad, Boylan, Dover, Etchart, Galt, Goodover, Hammond, Hazelbaker, Keating, Kolstad, Lee, Lynch, Marbut, Ochsner, Shaw, Smith, Story, Turnage, Mr. President.
Total 19

Excused: Conover, Graham, D. Manning, Tveit.
Total 4

MONTANA LEGISLATIVE COUNCI
LIBRARY

Absent or not voting: McCallum.
Total 1

SB 363 - That SB 363, second reading copy, be amended as follows:

1. Title, line 7.
Following: "ELEMENTARY"
Strike: "OR"
Insert: ","
Following: "SECONDARY"
Insert: ", OR ACCREDITED POSTSECONDARY"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey,

Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Conover, Graham, D. Manning, Tveit.
Total 4

Absent or not voting: None.
Total 0

That SB 363, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 42

Noes: Elliott, Keating, Shaw.
Total 3

Excused: Conover, Graham, D. Manning, Tveit.
Total 4

Absent or not voting: Galt.
Total 1

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Severson moved the adoption of the committee report. Report adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 4:03 p.m., until Tuesday, March 1, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FORTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
March 1, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Graham, Tveit, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the forty-sixth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly engrossed: SB 21, SB 204, SB 244, SB 363.

JUDICIARY (Turnage, Chairman):
HB 355, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 46, be concurred in. Report adopted.
HB 59, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
SB 241, introduced bill, be amended as follows:

1. Title, line 5.
Following: "EXPANDING"
Strike: "MANUFACTURERS"
Insert: "INDUSTRY"

2. Page 1, line 14.
Following: "~~industry~~"
Strike: "manufacturer"
Insert: "industry"

3. Page 1, line 19.
Following: line 18
Insert: "industrial"

4. Page 1, line 20.
Following: "five"
Insert: "jobs"

5. Page 1, line 21 through page 2, line 1.
Following: "(3)"
Strike: remainder of line 21 through page 2, line 1
Insert: "(a) "New industry" means a person, corporation, firm, partnership, association, or other group that is established in Montana for the operation of a new industrial endeavor, including the expansion of an existing industry.

(b) New industry includes only those industries that:

(i) manufacture, mill, mine, produce, process, or fabricate materials;

(ii) do similar work, employing capital and labor, in which materials unserviceable in their natural state are extracted, processed, or made fit for use or are substantially altered or treated so as to create commercial products or materials; or

(iii) engage in the mechanical or chemical transformation of materials or substances into new products in the manner defined as manufacturing in the 1972 standard industrial classification manual prepared by the United States office of management and budget.

(c) New industry does not include retail or wholesale merchants, commercial services of any type, agriculture, trades, or professions."

6. Page 2, line 13.
Following: "~~manufacturing corporation~~"
Strike: "manufacturer"
Insert: "industry"

7. Page 2, line 17.
Following: "~~corporation~~"
Strike: "manufacturer"
Insert: "industry"

8. Page 2, line 18.
Following: "~~corporation~~"
Strike: "manufacturer"
Insert: "industry"

9. Page 2, line 21.
Following: "~~corporation~~"
Strike: "manufacturer"
Insert: "industry"

10. Page 2, line 23.
Following: "The"
Insert: "total"
Following: "jobs"
Insert: "in Montana"

11. Page 2, line 24.
Following: "~~corporation~~"
Strike: "manufacturer"
Insert: "industry"
Following: "the"
Strike: "12-month"
Insert: "36-month"
Following: "period"
Insert: "or the period of operation of the industry in Montana, whichever is less,"

12. Page 3, lines 4 and 5.
Following: "~~corporations~~"
Strike: "manufacturers that provide jobs"
Insert: "industries that increase total full-time jobs by at least 30% or at least five jobs, whichever is less,"

13. Page 3, line 8.
Following: "eligibility of"
Strike: "~~a corporation~~ manufacturer"
Insert: "an industry"

14. Page 3, line 14.

Following: line 13
Strike: "manufacturer's"
Insert: "industry's"

15. Page 3, line 19.
Following: "the"
Strike: "manufacturer's"
Insert: "industry's"

16. Page 4, line 1.
Following: "five"
Insert: "jobs"

17. Page 4, lines 2 through 6.
Following: "(3)"
Strike: remainder of lines 2 through 6
Insert: "(a) "New industry" means a person, corporation, firm, partnership, association, or other group that is established in Montana for the operation of a new industrial endeavor, including the expansion of an existing industry.

(b) New industry includes only those industries that:

(i) manufacture, mill, mine, produce, process, or fabricate materials;

(ii) do similar work, employing capital and labor, in which materials unserviceable in their natural state are extracted, processed, or made fit for use or are substantially altered or treated so as to create commercial products or materials; or

(iii) engage in the mechanical or chemical transformation of materials or substances into new products in the manner defined as manufacturing in the 1972 standard industrial classification manual prepared by the United States office of management and budget.

(c) New industry does not include retail or wholesale merchants, commercial services of any type, agriculture, trades, or professions."

18. Page 4, line 20.
Following: "The"
Insert: "total"
Following: "jobs"
Insert: "in Montana"

19. Page 4, line 21.
Following: line 20
Strike: "12-month"
Insert: "36-month"
Following: "period"
Insert: "or the period of operation of the industry in Montana, whichever is less,"

20. Page 5, line 3.
Following: "only"
Strike: "for"
Insert: "to those"

21. Page 5, line 4.
Following: "expanding"
Strike: "manufacturers that provide jobs"
Insert: "industries that increase total full-time jobs by at least 30% or at least five jobs, whichever is less,"

22. Page 5, line 22.
Following: line 21
Strike: "MANUFACTURERS"
Insert: "Industries"

23. Page 5, line 25.
Following: line 24
Strike: "manufacturer"
Insert: "industry"

24. Page 5, line 25.
Following: "~~corporation~~"
Strike: "manufacturer"
Insert: "industry"

25. Page 6, line 4.
Following: "~~corporation~~"
Strike: "manufacturers"
Insert: "industry"

26. Page 6, line 15.
Following: "is a"
Strike: "manufacturer"
Insert: "new or expanding industry"

27. Page 6, line 24.
Following: "~~corporation~~"
Strike: "manufacturer"
Insert: "industry"

28. Page 7, line 2.
Following: "the start of"
Strike: "manufacturing"
Insert: "doing business"

29. Page 7, line 5.
Following: line 4
Strike: "manufacturer"
Insert: "industry"

30. Page 7, line 8.
Following: line 7
Strike: "manufacturing"
Insert: "operations"

31. Page 7, line 17.
Following: line 16
Strike: "of a new product"
Insert: "begins"

32. Page 9, line 5.
Strike: "(1)"

33. Page 9, lines 6 and 7.
Following: line 5
Strike: "manufacturing and other divisions of the 1972 Standard Industrial Classification Manual system"
Insert: "eligible new and expanding industries and other businesses"

34. Page 9, line 10.
Following: line 9
Strike: line 10 through line 5 on page 10

35. Page 12, line 6.
Following: "~~CORPORATION~~"
Strike: "MANUFACTURER"
Insert: "industry — eligibility"
Strike: remainder of lines 6 and 7

36. Page 12, lines 15 through 18.
Strike: lines 15 through 18 in their entirety

37. Page 12, line 19.
Following: line 18
Strike: "(2)"
Following: "~~corporation~~"
Strike: "manufacturer"
Insert: "business or industry"

38. Page 13, line 18.
Following: "~~CORPORATION~~"
Strike: "MANUFACTURER"
Insert: "industry — eligibility"

39. Page 13, line 19.
Following: "~~corporation~~"
Strike: "manufacturer"
Insert: "industry"

40. Page 14, line 14.
Following: "five"
Insert: "jobs"

41. Page 14, line 17.
Following: line 16
Strike: "manufacturer"
Insert: "industry"

42. Page 14, line 24.
Following: "~~corporation~~"
Strike: "manufacturer"
Insert: "industry"

43. Page 15, line 8.
Following: "~~corporation~~"
Strike: "manufacturer"
Insert: "industry"

44. Page 15, line 14.
Following: line 13
Strike: "manufacturer"
Insert: "industry"

45. Page 15, line 16.
Following: "If"
Strike: "a ~~corporation~~ manufacturer"
Insert: "an industry"

46. Page 15, line 19.
Following: line 18
Strike: "manufacturer"
Insert: "industry"

47. Page 15, line 22.
Following: "~~corporation~~"
Strike: "manufacturer"

Insert: "industry"

48. Page 16, line 18.
Following: "~~corporation~~"
Strike: "manufacturer"
Insert: "industry"

49. Page 16, line 22.
Following: "~~corporation~~"
Strike: "manufacturer"
Insert: "industry"

50. Page 16, line 23.
Following: "~~corporation~~"
Strike: "manufacturer"
Insert: "industry"

51. Page 18, line 3.
Following: line 2
Strike: "manufacturer"
Insert: "industry"

52. Page 18, line 7.
Following: "~~corporation~~"
Strike: "manufacturer"
Insert: "industry"

53. Page 18, line 8.
Following: "(2)"
Strike: "A ~~corporation~~ manufacturer"
Insert: "An industry"

54. Page 18, line 10.
Following: "more than one"
Strike: "manufacturing"

55. Page 18, line 14.
Following: "(3)"
Strike: "A corporation"
Insert: "An industry"

56. Page 19, line 6.
Following: "~~(3)~~"
Strike: "A ~~corporation~~ manufacturer"
Insert: "(1) An industry"

57. Page 19, line 8.
Following: "~~corporation~~"
Strike: "manufacturer"
Insert: "industry"

58. Page 19, line 9.
Following: line 8
Strike: "manufacturers products"
Insert: "commences operations"

59. Page 19, line 10.
Following: "recognized if"
Strike: "a corporation"
Insert: "an industry"

60. Page 19, line 11.
Following: "without"

Strike: "manufacturing a product"
Insert: "commencing operations"

61. Page 19, line 12.
Following: line 11
Insert: "(2) If a new or expanding manufacturer ceases to operate, either temporarily or permanently, under normal conditions the 3-year period of eligibility for the credit continues until its normal expiration date. If another treatment would be beneficial to the new industry or a successor industry, application for this treatment must be made to the department director."

And, as amended, do pass. Report adopted.

SB 252, introduced bill, be amended as follows:

1. Title, line 5.
Following: "AGAINST"
Insert: "THE INDIVIDUAL INCOME TAX AND"

2. Title, line 6.
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS 15-30-162 AND"

3. Page 1, line 12.
Following: "~~small~~"
Insert: "small"

4. Page 1, line 13.
Following: "~~(3)~~"
Strike: "(2)"
Insert: "(3)"

5. Page 1, line 14.
Following: "~~small~~"
Insert: "small"

6. Page 1, line 18.
Following: "~~made.~~"
Insert: "(2) For the purposes of this section, "small business" means a business that is eligible to elect to be taxed under the provisions of 15-31-202, whether or not such election is made."
Renumber: subsequent subsections

7. Page 1, line 24.
Following: "amended"
Insert: ", providing the qualifying section 38 property is placed in service and used principally within Montana"

8. Page 2, line 2.
Following: "(a)"
Strike: "30%"
Insert: "20%"

9. Page 2, line 7.
Following: "~~(6)~~"
Strike: "(5)"
Insert: "(6)"

10. Page 2, line 9.
Following: "~~(6)~~"
Strike: "(5)"

Insert: "(6)"

11. Page 2, line 11.
Following: "~~(4)~~"
Strike: "(3)"
Insert: "(4)"

12. Page 2, line 16.
Following: "~~$5,000.~~"
Insert: "In the event the taxpayer's tax liability for the taxable year exceeds $5,000, the investment credit may not exceed $5,000 plus 50% of the tax liability in excess of $5,000."

13. Page 2, line 19.
Following: "~~(5)~~"
Strike: "(4)"
Insert: "(5)"

14. Page 3, line 3.
Following: line 2
Insert: "Section 2. Section 15-30-162, MCA, is amended to read:

"15-30-162. Investment credit. (1) There is allowed as a credit against the tax imposed by 15-30-103 a percentage of the credit allowed with respect to certain depreciable property under section 38 of the Internal Revenue Code of 1954, as amended, or as section 38 may be renumbered or amended, providing the qualifying section 38 property is placed in service and used principally within Montana.

(2) The amount of the credit allowed for the taxable year is the sum of:

(a) ~~30%~~ 20% of the amount of credit determined under section 46(a)(2) of the Internal Revenue Code of 1954, as amended, or as section 46(a)(2) may be renumbered or amended;

(b) the investment credit carryovers carried to the taxable year as provided in subsection (4); and

(c) the investment credit carrybacks carried to the taxable year as provided for in subsection (4).

(3) Notwithstanding the provisions of subsection (2), the investment credit allowed for the taxable year may not exceed the taxpayer's tax liability for the taxable year. In the event the taxpayer's tax liability for the taxable year exceeds $5,000, the investment credit may not exceed $5,000 plus 50% of the tax liability in excess of $5,000. In the case of a husband and wife who file separate returns, the investment credit may not exceed $2,500 plus 50% of the tax liability in excess of $2,500 unless the spouse of the taxpayer has no qualified investment for and no unused credit carryback or carryover to the taxable year of the spouse that ends with or within the taxpayer's taxable year.

(4) If any part of the investment credit is not applied against the tax liability for the taxable year because of the limitations imposed under subsection (3), the unused portion shall be carried back and carried forward in accordance with the provisions of section 46(b) of the Internal Revenue Code of 1954, as amended, or as section 46(b) may be renumbered or amended.

(5) The investment credit allowed by this section is subject to recapture as provided for in section 47 of the Internal Revenue Code of 1954, as amended, or as section 47 may be renumbered or amended.""

Renumber: subsequent sections

15. Page 3, line 11.
Following: "in accordance with"
Insert: "15-30-162(4) or"

And, as amended, do pass. Report adopted.

SB 283, do pass. Report adopted.

MOTIONS

Senator Keating moved that consideration on SB 159 be passed. Motion carried unanimously.

Senator Regan moved that consideration on SB 264 be passed. Motion carried unanimously.

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 42, introduced by Donaldson. Referred to Committee on Judiciary.
HB 93, introduced by Donaldson, Saunders, Curtiss. Referred to Committee on Education and Cultural Resources.
HB 100, introduced by Kemmis, Towe, Vincent, (By Request of the Governor). Referred to Committee on Business and Industry.
HB 105, introduced by Winslow, Schultz, Daily, Sands, Hemstad, Donaldson, Bengtson, Marks, Quilici, Roush, McCallum, Menahan, Eudaily, Lory, Fabrega, Hannah, Fagg, Ramirez, Curtiss, Elliott, (By Request of the Coal Tax Oversight Subcommittee). Referred to Committee on Education and Cultural Resources.
HB 118, introduced by Harper, Donaldson, (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Agriculture, Livestock and Irrigation.
HB 131, introduced by Menahan, Haffey, Keenan, Brand, (By Request of the Department of Military Affairs). Referred to Committee on Finance and Claims.
HB 136, introduced by Bardanouve, (By Request of the Office of Budget and Program Planning). Referred to Committee on Finance and Claims.
HB 156, introduced by Pavlovich, D. Brown, Daily, Keenan, Harrington, Menahan, McBride, Quilici, Stimatz. Referred to Committee on Finance and Claims.
HB 174, introduced by Harper. Referred to Committee on Labor and Employment Relations.
HB 185, introduced by Connelly, Pistoria, Vincent, B. Brown. Referred to Committee on Finance and Claims.
HB 228, introduced by Quilici, Kitselman, Pavlovich, Towe, Lynch, Menahan, Keenan, Vincent, Haffey, (By Request of the Joint Subcommittee on Business). Referred to Committee on Natural Resources.
HB 247, introduced by Ryan, D. Manning, Ernst. Referred to Committee on Finance and Claims.
HB 250, introduced by Vincent, Fabrega, Harper, Metcalf, Saunders, Addy, Zabrocki, Darko, Hemstad, Spaeth, Fagg, Peck, Winslow, Kitselman, Vinger, Holliday, Hannah, Ernst, Sands, Schultz,

O'Connell, Nordtvedt, Schye, Swift, Yardley, Hager, Gage, Veleber, Pistoria, Underdal, Bertelsen, Kadas, J. Brown, Keyser, Hansen, Dozier, Bachini, Farris. Referred to Committee on Judiciary.

HB 269, introduced by J. Brown, Van Valkenburg. Referred to Committee on Local Government.

HB 281, introduced by Dozier. Referred to Committee on Labor and Employment Relations.

HB 282, introduced by Kadas, Marbut, J. Hammond, Ream. Referred to Committee on Local Government.

HB 283, introduced by Winslow, Thomas, Shontz, Menahan, Regan, Fagg, Curtiss, Nordtvedt, Kitselman, Schultz, Switzer, Ernst, Hanson, Bertelsen, Phillips, Hannah, Driscoll, Bliss, Daily, Keyser, Marks, Lory, Eudaily, Schye, Saunders, Vinger, Ramirez, Fabrega, Vincent, Addy. Referred to Committee on State Administration.

HB 284, introduced by Winslow, Bergene, Lory, Addy, Kitselman, Dozier, Vincent, Marks, J. Brown, Saunders, J. Jensen, Eck, Kolstad, Towe, Ochsner, Jacobson, Haffey, Boylan, Marbut, Williams. Referred to Committee on Rules.

HB 286, introduced by Quilici, Lory. Referred to Committee on Taxation.

HB 288, introduced by Kadas, Van Valkenburg, Hansen. Referred to Committee on State Administration.

HB 309, introduced by Bardanouve, (By Request of the Personnel and Labor Relations Study Commission). Referred to Committee on Labor and Employment Relations.

HB 312, introduced by Hart, Miller, Metcalf, (By Request of the Department of Institutions). Referred to Committee on Public Health, Welfare and Safety.

HB 321, introduced by Seifert, Metcalf, Norman, Turnage, Menahan, Jacobson, Harrington, Hemstad, Shontz. Referred to Committee on Public Health, Welfare and Safety.

HB 335, introduced by Nilson, (By Request of the Department of Fish, Wildlife, and Parks). Referred to Committee on Fish and Game.

HB 356, introduced by Vincent, Kemmis, Fabrega, Winslow, Schultz, Eck, Addy. Referred to Committee on State Administration.

HB 360, introduced by Hart, Brand, (By Request of the Department of Institutions). Referred to Committee on Public Health, Welfare and Safety.

HB 371, introduced by Kemmis, Towe, Fabrega, Crippen, Vincent, Harrington. Referred to Committee on Business and Industry.

HB 373, introduced by Marks, Swift, Holliday, Saunders, Dover, (By Request of the Board of Water Well Contractors). Referred to Committee on Natural Resources.

HB 386, introduced by Vincent, Winslow, Eck. Referred to Committee on State Administration.

HB 387, introduced by Vincent, Eck. Referred to Committee on State Administration.

HB 401, introduced by R. Jensen, Stobie, Keyser, Seifert, Winslow, (By Request of the Department of Social and Rehabilitation Services). Referred to Committee on State Administration.

HB 402, introduced by Eudaily, (By Request of the Department of Fish, Wildlife, and Parks). Referred to Committee on Fish and Game.

HB 416, introduced by J. Brown. Referred to Committee on Judiciary.

HB 419, introduced by Donaldson, Regan, McCallum, Marks, Winslow. Referred to Committee on Education and Cultural Resources.

HB 424, introduced by Shontz, Kemmis, Yardley, J. Jensen, Berg, Halligan, Norman, Bardanouve, Hemstad, Bertelsen, McBride,

Vincent, Menahan, Fabrega, R. Manning, Thomas, Lane, Christiaens, Mohar, (By Request of the Governor). Referred to Committee on State Administration.

HB 438, introduced by Hand. Referred to Committee on Judiciary.

HB 445, introduced by Ellerd, Vincent, Kitselman, Wallin, Regan, J. Jensen, Kennerly, Veleber, McBride, Saunders, Winslow, Jacobson, Underdal, Fagg, Hannah, Jones, Ream, Hansen, Waldron, Kadas, Lybeck, Koehnke, Harper, Zabrocki, Nilson, Addy, Schye, Eudaily. Referred to Committee on Business and Industry.

HB 449, introduced by Bardanouve, (By Request of the Department of Administration). Referred to Committee on Finance and Claims.

HB 472, introduced by D. Brown, Ellison, Halligan, Fabrega, Iverson, Switzer, (By Request of the Hard-Rock Mining Subcommittee). Referred to Committee on Natural Resources.

HB 479, introduced by Farris, Bachini, Connelly, Metcalf, Winslow, Hansen, Darko, Quilici, Norman, Brand, (By Request of the Department of Health and Environmental Sciences). Referred to Committee on Highways and Transportation.

HB 495, introduced by Hannah, Fagg, J. Jensen. Referred to Committee on Local Government.

HB 508, introduced by McBride, Stimatz. Referred to Committee on State Administration.

HB 513, introduced by Pavlovich, D. Brown, Menahan, (By Request of the Board of Chiropractors). Referred to Committee on Public Health, Welfare and Safety.

HB 540, introduced by Vincent, Winslow, Kemmis, Bergene, Addy. Referred to Committee on Judiciary.

HB 548, introduced by Marks, Bardanouve, Ramirez, Donaldson, Bengtson, Peck, Winslow, Aklestad, Stephens, E. Smith, Goodover, Van Valkenburg, Haffey, McCallum, (By Request of the Legislative Finance Committee). Referred to Committee on Finance and Claims.

HB 565, introduced by Vinger. Referred to Committee on Judiciary.

HB 570, introduced by Williams, Yardley. Referred to Committee on Taxation.

HB 580, introduced by Darko, (By Request of the Department of Health and Environmental Sciences). Referred to Committee on State Administration.

HB 591, introduced by Nisbet, Ream, Berg, Darko. Referred to Committee on Education and Cultural Resources.

HB 593, introduced by Fagg, Hannah, Sands, Wallin, Kitselman, Asay, Ellison, Iverson, Compton, Switzer, Devlin, Ramirez. Referred to Committee on Taxation.

HB 596, introduced by Kadas, Nisbet, Neuman, Christiaens, Van Valkenburg. Referred to Committee on Local Government.

HB 602, introduced by Kitselman. Referred to Committee on Local Government.

HB 603, introduced by Peck, Hemstad, Nilson, Yardley, Driscoll, O'Connell, Blaylock, Gage, R. Manning, McCallum, Bachini, Dozier, Kemmis, Menahan, Harper, Fabrega. Referred to Committee on Labor and Employment Relations.

HB 604, introduced by Wallin, Gage, Harper, R. Manning, Bergene. Referred to Committee on Public Health, Welfare and Safety.

HB 617, introduced by Underdal, Ryan, Solberg, Ellison, Jacobsen, Iverson, Schultz, Bliss, Switzer, Devlin, Manuel, Stobie. Referred to Committee on Judiciary.

HB 621, introduced by Ramirez, Yardley. Referred to Committee on Taxation.

HB 625, introduced by McBride, Regan, Turnage, Bergene. Referred to Committee on State Administration.

HB 626, introduced by Bardanouve, (By Request of the Public Employees' Retirement Division). Referred to Committee on State Administration.

HB 627, introduced by Dozier, (By Request of the Department of Public Service Regulation). Referred to Committee on State Administration.

HB 632, introduced by Bliss. Referred to Committee on Local Government.

HB 634, introduced by Compton, Devlin, Ryan, Vinger, Bardanouve, Iverson, Ellison. Referred to Committee on Local Government.

HB 636, introduced by Peck, Iverson, Christiaens. Referred to Committee on Highways and Transportation.

HB 637, introduced by Manuel. Referred to Committee on Taxation.

HB 638, introduced by Hansen, Waldron. Referred to Committee on Business and Industry.

HB 639, introduced by Waldron, Stimatz, (By Request of the Department of Administration and the Department of Commerce). Referred to Committee on State Administration.

HB 641, introduced by Sands, Spaeth, Kitselman, Eudaily. Referred to Committee on Taxation.

HB 643, introduced by J. Jensen, Hansen, Kadas, Addy, Fabrega, Eck, Christiaens, Bergene. Referred to Committee on Local Government.

HB 645, introduced by Sales. Referred to Committee on Taxation.

HB 646, introduced by Lory, Kadas, Hansen, Waldron, Bertelsen. Referred to Committee on Agriculture, Livestock and Irrigation.

HB 651, introduced by Eudaily, Lory. Referred to Committee on Local Government.

HB 654, introduced by Fagg. Referred to Committee on Taxation.

HB 655, introduced by Harp, Driscoll. Referred to Committee on Business and Industry.

HB 656, introduced by Fagg, Hannah, Sands. Referred to Committee on Legislative Administration.

HB 658, introduced by Nordtvedt, Yardley, Fabrega, Bertelsen, Shontz, Williams, B. Brown, Norman, Towe, Turnage, Galt. Referred to Committee on Taxation.

HB 659, introduced by J. Jensen, Jacobson, Menahan, Bergene, Vincent, McBride, Connelly, Haffey, Addy, Nordtvedt, Hannah, Hemstad, Shontz, Waldron, Kadas, Eck, R. Manning, Crippen, Graham, Metcalf, Quilici, Harrington, Kitselman, J. Brown, Thomas, Wallin, Dozier, Williams, Ramirez, Conover, Van Valkenburg, Sands, Hart, Pistoria, Marbut, Holliday, Keenan, Koehnke, Zabrocki, Norman, Bengtson, Roush, J. Hammond, Ream, Driscoll, Veleber, Waldron, Hansen, Lybeck, Kennerly, Halligan. Referred to Committee on Finance and Claims.

HB 662, introduced by Schye, Bachini, Peck, Bardanouve, Compton, H. Hammond, Etchart. Referred to Committee on Agriculture, Livestock and Irrigation.

HB 663, introduced by Bengtson. Referred to Committee on Public Health, Welfare and Safety.

HB 670, introduced by Fagg, Sands. Referred to Committee on Business and Industry.

HB 671, introduced by Menahan, Pavlovich, (By Request of the Board of Chiropractors). Referred to Committee on Public Health, Welfare and Safety.

HB 672, introduced by Kitselman, Marks, Quilici, J. Hammond. Referred to Committee on Fish and Game.

HB 673, introduced by Iverson, Manuel, (By Request of the Department of Agriculture). Referred to Committee on Agriculture, Livestock and Irrigation.

HB 675, introduced by Koehnke, Dozier, Harper, Metcalf, Fuller, J. Brown. Referred to Committee on Local Government.

HB 677, introduced by Nilson, R. Manning, Phillips, Menahan, Graham, O'Connell, Spaeth, Nisbet, Manuel, Pavlovich, Jacobson, Daily, Keenan, Driscoll, Holliday, Abrams, Harrington, Devlin, Dozier, Marks, Fabrega, Berg, Hemstad, Iverson, Donaldson, Lybeck, Thoft, Farris, Brand, Switzer, Lee, Galt, Zabrocki, Keyser, Bertelsen, Williams, Norman, Fuller, Jacobsen, Koehnke, Haffey. Referred to Committee on Judiciary.

HB 678, introduced by Kitselman, Keyser, Saunders, Lee, Wallin, Lybeck, Ryan, Boylan, Underdal, Hager, Severson, Curtiss, Zabrocki, E. Smith, Pistoria. Referred to Committee on Judiciary.

HB 685, introduced by Harper, Van Valkenburg, Towe, Vincent, Fabrega, Crippen, Kemmis, (By Request of the Governor's Office). Referred to Committee on Business and Industry.

HB 687, introduced by Menahan. Referred to Committee on Public Health, Welfare and Safety.

HB 689, introduced by Winslow, Eck, Vincent, Fabrega, Curtiss, Iverson, D. Brown, Bertelsen, Shontz, Hannah, Kolstad, Galt, Addy, Bergene, Eudaily, (By Request of the Secretary of State). Referred to Committee on State Administration.

HB 690, introduced by Marks, Fabrega, Bertelsen, Ramirez, Stobie, Yardley, Iverson, Addy, Neuman, Vinger, Ryan, Thoft, Ellerd, Shontz. Referred to Committee on Taxation.

HB 691, introduced by Brand, Pavlovich, Williams, Quilici, J. Jensen, Harrington, D. Brown, Iverson, Menahan, Daily, Nisbet, Driscoll, Dozier. Referred to Committee on State Administration.

HB 696, introduced by Fagg. Referred to Committee on Business and Industry.

HB 698, introduced by Stobie, C. Smith, Jones, Underdal, Ryan, Fagg, Peck, Ellison, Wallin, Bachini, Quilici, Menahan, Marks, Brand, Darko, Waldron, Hand, Manuel, Bliss, Hanson, Winslow, Keyser, Schultz, Iverson, Devlin, Harp, Solberg, Vinger, Addy, Kitselman, Abrams, Switzer, Elliott, Thoft, McCallum, Donaldson, Roush, Zabrocki, Norman, Lynch, Thomas, Jacobsen. Referred to Committee on Highways and Transportation.

HB 699, introduced by Winslow, (By Request of the Department of Commerce and the Board of Dentistry). Referred to Committee on Public Health, Welfare and Safety.

HB 700, introduced by Fabrega, Mazurek, Crippen, Fagg, Vincent, Kemmis, Metcalf, Harper, Darko, Ramirez, Schye, Asay, Harrington, Vinger, Neuman, Van Valkenburg, Hansen, Towe, (By Request of the Governor's Office). Referred to Committee on Business and Industry.

HB 701, introduced by Fagg, Menahan. Referred to Committee on Business and Industry.

HB 702, introduced by Yardley, Bertelsen, Roush, Holliday, Spaeth, Mazurek. Referred to Committee on Taxation.

HB 705, introduced by Spaeth, Addy, Ramirez, Towe, McBride, (By Request of the Public Employees' Retirement Division). Referred to Committee on Judiciary.

HB 708, introduced by Quilici, Stimatz, R. Manning, Eck, Fabrega, Pavlovich, Farris, Sands, Blaylock, Haffey, Conover, Menahan, Jones, Jacobson, Williams, Harrington, Nisbet, Addy, Waldron, Kitselman, Neuman, Driscoll, Boylan, Winslow, Towe, Hemstad, Daily, Bertelsen,

J. Hammond, Lynch, D. Brown, Peck, Thomas, Ream, Bachini. Referred to Committee on Public Health, Welfare and Safety.

HB 710, introduced by Kitselman, Crippen, Fabrega, Metcalf, D. Brown. Referred to Committee on Business and Industry.

HB 714, introduced by Spaeth, Christiaens, Fuller, Halligan, R. Manning, Farris, Bachini, Peck, Darko, Ream, J. Jensen, (By Request of the Commission for Human Rights). Referred to Committee on State Administration.

HB 715, introduced by Waldron. Referred to Committee on Local Government.

HB 716, introduced by Metcalf. Referred to Committee on Taxation.

HB 720, introduced by Lory. Referred to Committee on Local Government.

HB 721, introduced by Wallin, Fagg, Nordtvedt, Eck, Winslow, Fabrega, Vincent, Boylan, Jacobson, Keating, Towe, Pavlovich, Bardanouve, Phillips. Referred to Committee on State Administration.

HB 724, introduced by Daily. Referred to Committee on Taxation.

HB 728, introduced by Shontz, Tveit, Compton, Norman. Referred to Committee on Public Health, Welfare and Safety.

HB 730, introduced by Shontz, Abrams, Spaeth, Tveit, Lynch, Devlin, Mazurek, (By Request of the Governor's Office). Referred to Committee on Taxation.

HB 731, introduced by Ramirez, Yardley. Referred to Committee on Judiciary.

HB 732, introduced by Harper, Koehnke, Stobie. Referred to Committee on Local Government.

HB 733, introduced by Bengtson, Towe. Referred to Committee on Local Government.

HB 741, introduced by Addy, D. Brown, (By Request of the House Judiciary Committee). Referred to Committee on Judiciary.

HB 742, introduced by O'Connell. Referred to Committee on Taxation.

HB 743, introduced by Curtiss, C. Smith, Darko, Connelly, Harp, Mueller, B. Brown, Elliott, McCallum. Referred to Committee on Agriculture, Livestock and Irrigation.

HB 746, introduced by Darko, Mohar, B. Brown, Connelly, Curtiss, Asay, Hart, Zabrocki, Mueller, Devlin, Shontz. Referred to Committee on Education and Cultural Resources.

HB 749, introduced by Hemstad, Bengtson, Farris, Connelly, McBride, Curtiss, O'Connell, Holliday, Hanson, Hansen, Bergene, J. Brown, Howe, Darko, Keenan, Hart. Referred to Committee on Labor and Employment Relations.

HB 750, introduced by Dozier. Referred to Committee on Taxation.

HB 762, introduced by Lory, Ream, Kadas, J. Jensen, Waldron. Referred to Committee on Agriculture, Livestock and Irrigation.

HB 763, introduced by Fabrega, Hemstad, Bergene, McCormick, Miller, Neuman, O'Connell, Farris, Pistoria, Nisbet, Nilson. Referred to Committee on Public Health, Welfare and Safety.

HB 764, introduced by Nilson, (By Request of the House Fish and Game Committee). Referred to Committee on Fish and Game.

HB 766, introduced by Asay, Fagg, Harp, Devlin, Switzer, Compton, Jacobsen. Referred to Committee on Taxation.

HB 770, introduced by Hansen, Dozier, Bachini, Kadas, Waldron. Referred to Committee on Agriculture, Livestock and Irrigation.

HB 772, introduced by Bengtson, H. Hammond, Peck, Ernst, Jacobson, Donaldson, Haffey, Tveit, (By Request of the Joint Appropriations Subcommittee on Education). Referred to Committee on Education and Cultural Resources.

HB 774, introduced by Addy, Vincent, Ramirez, Kemmis, McBride, Hemstad, C. Smith, Jones. Referred to Committee on Judiciary.

HB 776, introduced by Shontz, Ramirez, H. Hammond, Norman. Referred to Committee on State Administration.

HB 781, introduced by Driscoll, (By Request of the House State Administration Committee). Referred to Committee on State Administration.

HB 782, introduced by Winslow, Hager. Referred to Committee on Public Health, Welfare and Safety.

HB 786, introduced by D. Brown, Winslow, Addy, Pavlovich, Lynch, Donaldson, Iverson, Keyser, Spaeth, Marks, Seifert, Harp. Referred to Committee on State Administration.

HB 788, introduced by O'Connell. Referred to Committee on Local Government.

HB 789, introduced by Abrams, Spaeth, D. Brown, Pavlovich, Manuel. Referred to Committee on Judiciary.

HB 792, introduced by Winslow. Referred to Committee on Public Health, Welfare and Safety.

HB 794, introduced by Daily, (By Request of the House Education and Cultural Resources Committee). Referred to Committee on Education and Cultural Resources.

HB 795, introduced by Committee on Labor and Employment Relations, (By Request of the House Labor and Employment Relations Committee). Referred to Committee on Labor and Employment Relations.

HB 798, introduced by McBride, Regan, Fabrega, Crippen. Referred to Committee on Local Government.

HB 802, introduced by D. Brown, Mohar, Regan, Bergene, Ream, Harper, Ramirez. Referred to Committee on Agriculture, Livestock and Irrigation.

HB 805, introduced by Waldron, (By Request of the House Appropriations Committee). Referred to Committee on Finance and Claims.

HB 807, introduced by R. Jensen, Ellison, (By Request of the House Agriculture Committee). Referred to Committee on Judiciary.

HB 808, introduced by Kitselman. Referred to Committee on Judiciary.

HB 809, introduced by Waldron, Nordtvedt, Bardanouve. Referred to Committee on Education and Cultural Resources.

HB 811, introduced by Yardley. Referred to Committee on Judiciary.

HB 812, introduced by Shontz, Yardley. Referred to Committee on Judiciary.

HB 814, introduced by Kadas, J. Jensen, Fabrega. Referred to Committee on Business and Industry.

HB 818, introduced by Bengtson, Towe. Referred to Committee on Business and Industry.

HB 820, introduced by Asay, Goodover, Graham, Tveit, Vincent, Schye, Roush. Referred to Committee on Finance and Claims.

HB 822, introduced by Donaldson. Referred to Committee on Education and Cultural Resources.

HB 825, introduced by Jacobsen, Bertelsen, Bardanouve, Kemmis, Ochsner, Donaldson, Ream, Solberg, Bachini, Asay, Shontz, Schye, Thoft. Referred to Committee on Judiciary.

HB 826, introduced by Ellison. Referred to Committee on Labor and Employment Relations.

HB 830, introduced by Hansen, Kadas, Waldron. Referred to Committee on Local Government.

HB 832, introduced by Fabrega, Kemmis, Nordtvedt, Vincent, (By Request of the Select Committee on Economic Development). Referred to Committee on State Administration.

HB 836, introduced by J. Jensen, Saunders, Phillips, Addy, Swift, Mueller, Ream, Nisbet, Spaeth, Veleber, Hart, Driscoll, Peck, Bachini. Referred to Committee on Fish and Game.

HB 846, introduced by Brand, (By Request of the House State Administration Committee). Referred to Committee on State Administration.

HB 847, introduced by Driscoll, (By Request of the House State Administration Committee). Referred to Committee on State Administration.

HB 850, introduced by Driscoll, R. Manning, Dozier, Berg, Christiaens, Brand, Bachini, Norman, Farris, C. Smith, J. Brown, Roush. Referred to Committee on Labor and Employment Relations.

HB 851, introduced by Jacobsen, Spaeth, Bachini, Holliday, Roush, Underdal, Hanson, Schultz, Ernst, Bengtson, Ryan, Lybeck, Howe, Bliss, Koehnke, R. Jensen, Saunders, Ellerd, Thoft, (By Request of the House Agriculture Committee). Referred to Committee on Agriculture, Livestock and Irrigation.

HB 853, introduced by Miller, Gage, Asay, Hanson, Hemstad, Spaeth, R. Manning, Abrams, Phillips, McCormick, O'Connell, Nisbet, Dozier, Fabrega, Bergene. Referred to Committee on Business and Industry.

HB 855, introduced by Ramirez, Spaeth. Referred to Committee on Judiciary.

HB 856, introduced by Bergene, Vincent. Referred to Committee on Judiciary.

HB 857, introduced by Abrams, Spaeth, Pavlovich, (By Request of the Department of Justice). Referred to Committee on Judiciary.

HB 859, introduced by Waldron. Referred to Committee on Local Government.

HB 861, introduced by Quilici, Bardanouve, (By Request of the House Appropriations Committee). Referred to Committee on Finance and Claims.

HB 862, introduced by Shontz, Menahan, Winslow, Story, Regan, (By Request of the House Appropriations Committee). Referred to Committee on Public Health, Welfare and Safety.

HB 871, introduced by Fagg, Hannah, (By Request of the Select Committee on Economic Development). Referred to Committee on Business and Industry.

HB 872, introduced by Sales. Referred to Committee on Local Government.

HB 873, introduced by J. Brown, Fuller, Harrington, Williams, Kolstad, Regan, Connelly, J. Jensen, Metcalf, Thomas, J. Hammond, Blaylock, Van Valkenburg, Jacobson, R. Manning, Waldron, Berg, Vincent, Bertelsen, Dover, Jones, E. Smith, Eck, Turnage, Haffey, Miller, Kemmis, Bergene, Fabrega, Lane, Donaldson, Halligan, Jacobsen, Ream, Hansen, Howe, Hemstad, Shontz, Hand, Harper, Pistoria. Referred to Committee on State Administration.

HB 879, introduced by Peck, Keenan, Bergene, Bachini, Connelly, Hart, J. Jensen, Farris, Darko, Addy, Schye, Nisbet, Spaeth, Zabrocki, Ream, J. Hammond, J. Brown, Pistoria, Waldron, Metcalf, Veleber, Harrington, McCormick, Driscoll, Hansen, Menahan, Haffey, Saunders, Daily, Mazurek, Berg, Christiaens, Dozier, Hemstad, Miller. Referred to Committee on Judiciary.

HB 880, introduced by Bergene, J. Jensen, Jones, Vincent, Darko, McCormick, Schultz, Hemstad, Keyser, Iverson, Switzer, Compton,

Devlin, Spaeth, C. Smith, Curtiss, Miller, Thoft, Howe, Dozier, Keenan, Schye, Bertelsen, Metcalf, Kennerly, Zabrocki, Harper, Roush, Harrington, Daily, Abrams, Holliday, Nisbet, McBride, Saunders, Addy. Referred to Committee on Judiciary.

HB 886, introduced by Pavlovich. Referred to Committee on Business and Industry.

HB 887, introduced by Marks, Kemmis. Referred to Committee on State Administration.

HB 888, introduced by Marks, Neuman, Vincent, Ream, Devlin, Boylan, Galt, Switzer, Jacobson. Referred to Committee on Agriculture, Livestock and Irrigation.

HJR 5, introduced by Fabrega, Bertelsen, Metcalf, Vincent, Fagg, McBride, Blaylock, Regan. Referred to Committee on Legislative Administration.

HJR 8, introduced by Vincent, Fabrega, Bertelsen, Bergene, J. Jensen, Norman, J. Brown, Eck, Berg, Van Valkenburg, Haffey, Kadas, Ream, Halligan, J. Hammond, Metcalf, Hansen, Addy, Waldron, Harrington, Bardanouve, Veleber, Farris, Kemmis, Harper. Referred to Committee on Public Health, Welfare and Safety.

HJR 13, introduced by Nordtvedt, Phillips, D. Brown, Bengtson, Bergene, Sales, Fabrega, Bertelsen, Curtiss, Williams, Ream, Ellison, Ryan, Stobie, Underdal, Turnage, Harp, O'Connell, Iverson, Hemstad, Roush, Pavlovich, Manuel, Devlin, Jacobsen, Shontz, Mueller, Miller, Ellerd, Thoft, Howe, Yardley, Marks, Ramirez, Switzer, Compton, Wallin, Sands, R. Jensen, B. Brown, Norman, Asay, Kitselman, Hannah, Fagg, Vinger. Referred to Committee on Public Health, Welfare and Safety.

HJR 20, introduced by Marks, Donaldson, Stobie, Hannah. Referred to Committee on Public Health, Welfare and Safety.

HJR 21, introduced by Bengtson. Referred to Committee on Education and Cultural Resources.

HJR 22, introduced by Bengtson. Referred to Committee on Education and Cultural Resources.

HJR 23, introduced by Bergene, Seifert, Hannah, Ramirez, J. Jensen, Addy, Spaeth, Iverson, Darko, Nisbet, Curtiss, J. Brown, Veleber, Kennerly, Eudaily, Farris, (By Request of the House Judiciary Committee). Referred to Committee on Judiciary.

HJR 26, introduced by Ernst, Nordtvedt, Hanson. Referred to Committee on State Administration.

HJR 27, introduced by Shontz, Tveit. Referred to Committee on Agriculture, Livestock and Irrigation.

HJR 29, introduced by Ramirez, J. Brown, Curtiss, Darko, Eudaily, Keyser, Seifert, Spaeth, Addy, (By Request of the House Judiciary Committee). Referred to Committee on Business and Industry.

HJR 30, introduced by Menahan, Brand, Daily, Vincent, Keenan, Driscoll, Dozier, D. Brown, Pavlovich. Referred to Committee on State Administration.

At the request of Senator Story, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Story moved that HB 505 and HB 531 be taken from the Committee on State Administration and that they be referred to the Committee on Judiciary. Motion carried unanimously.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Mohar in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 335 - That SB 335 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham, Tveit.
Total 2

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Mohar moved the adoption of the committee report. Report adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

At the request of Senator Crippen, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Crippen moved that HB 532 be taken from the Committee on Labor and Employment Relations and that it be referred to the Committee on Judiciary. Motion carried unanimously.

Senator Towe moved that the Senate reconsider its action in adopting the adverse committee report on SB 360. Motion carried as follows:

Ayes: Berg, Boylan, Brown, Christiaens, Conover, Daniels, Eck, Elliott, Fuller, Galt, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Stimatz, Story, Towe, Turnage, Van Valkenburg, Mr. President.
Total 33

Noes: Aklestad, Crippen, Dover, Etchart, Gage, Goodover, Hammond, Himsl, Keating, Kolstad, Lee, Shaw, Smith, Thomas.
Total 14

Excused: Graham, Tveit.
Total 2

Absent or not voting: Blaylock.
Total 1

Senator Towe moved that SB 360 be referred to the Committee on Taxation. Motion carried unanimously.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Senator Hazelbaker moved that the Senate recess at 3:39 p.m. Motion carried.

Senate resumed at 5:16 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

TAXATION (Goodover, Chairman):
SB 408, do pass. Report adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 5:21 p.m., until Wednesday, March 2, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FORTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
March 2, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the forty-seventh legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 241, SB 252, SB 283, SB 408.
Correctly engrossed: SB 335.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
HB 18, third reading copy, be amended as follows:

1. Page 2, line 4.
Following: "state."
Insert: "The term does not include a motor home as defined in 61-1-130."

And, as amended, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
HB 488, third reading copy, be amended as follows:

1. Statement of intent, line 11.
Following: "mirrors,"
Strike: "twin"
Insert: "turn"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Turnage, Chairman):
HB 119, third reading copy, be amended as follows:

1. Page 2, lines 3 and 4.
Strike: "A MINIMUM AMOUNT FOR"

2. Page 2, lines 8 through 17.
Following: "~~assistance.~~"
Strike: remainder of line 8 through line 17

And, as amended, be concurred in. Report adopted.

HB 150, third reading copy, be amended as follows:

1. Title, lines 7 through 10.
Strike: "AND TO" through "DUTY;"

2. Page 2, line 23.
Strike: "LESS THAN 1 DAY OR"
Strike: "AND"

3. Page 2, line 24.

Strike: "JAIL SENTENCE"
Following: "AS"
Insert: "a"
Strike: "CONDITIONS"
Insert: "condition"

4. Page 3, line 21.
Following: "SENTENCE"
Insert: "of imprisonment"

5. Page 3, line 22.
Strike: subsection (6) in its entirety
Renumber: subsequent subsections

And, as amended, be concurred in. Report adopted.

HB 589, be concurred in. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
HB 152, be concurred in. Report adopted.
HB 276, be concurred in. Report adopted.
HB 289, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 36, be concurred in. Report adopted.
HB 47, third reading copy, be amended as follows:

1. Page 1, lines 13 and 14.
Strike: "PRIOR TO THE EFFECTIVE DATE OF THIS ACT"
Insert: "or to be adopted"

2. Page 1, lines 19 through 21.
Strike: "WHERE" through "ACT"
Insert: "Such statement must be placed in the ARM"

3. Page 1, line 22.
Following: "REPRINTING"
Insert: "or upon request of the administrative code committee as provided in subsection (2)"

4. Page 1, line 23 through page 2, line 1.
Following: "(2)"
Strike: "Upon" through "omitted." on page 2, line 1
Insert: "The administrative code committee may file with the secretary of state, for publication with any rule or portion thereof it considers to be adjective or interpretive, a statement indicating that it is the opinion of the administrative code committee that the rule or portion thereof is adjective or interpretive and therefore advisory only."

And, as amended, be concurred in. Report adopted.

HB 107, be concurred in. Report adopted.
HB 167, be concurred in. Report adopted.
HB 173, be concurred in. Report adopted.
HB 259, be concurred in. Report adopted.
HB 346, be concurred in. Report adopted.
HB 487, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
SB 413, do pass. Report adopted.
SB 459, do pass. Report adopted.

SB 375, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 44

Noes: Crippen, Elliott, Goodover, Keating, Tveit.
Total 5

Excused: None.
Total 0

Absent or not voting: D. Manning.
Total 1

SB 379, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Marbut, McCallum, Mohar, Ochsner, Severson, Shaw, Smith, Story, Tveit, Van Valkenburg, Mr. President.
Total 32

Noes: Berg, Blaylock, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lynch, R. Manning, Mazurek, Norman, Regan, Stimatz, Thomas, Towe, Turnage.
Total 17

Excused: None.
Total 0

Absent or not voting: D. Manning.
Total 1

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate bills concurred in and returned to the Senate: 3/1/83

SB 53, introduced by Galt

SB 60, introduced by Conover

SB 63, introduced by Turnage

SB 75, introduced by Turnage, Towe

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 3/1/83

SB 45, introduced by Stimatz

Senate bill not concurred in and returned to the Senate: 3/1/83

SB 33, introduced by Hammond

MOTIONS

Senator Lee moved that HB 451 be taken from the Committee on Labor and Employment Relations and that it be referred to the Committee on Business and Industry. Motion carried as follows:

Ayes: Aklestad, Boylan, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 26

Noes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Himsl, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 23

Excused: None.
Total 0

Absent or not voting: Brown.
Total 1

Senator Lynch moved that the Senate reconsider its action in adopting the adverse committee report on SB 379 and that it be printed and placed on second reading. Motion carried as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Gage, Haffey, Halligan, Jacobson, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Shaw, Stimatz, Thomas, Towe, Van Valkenburg.
Total 25

Noes: Aklestad, Boylan, Brown, Crippen, Dover, Etchart, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Marbut, McCallum, Ochsner, Severson, Smith, Story, Turnage, Tveit, Mr. President.
Total 24

Excused: None.
Total 0

Absent or not voting: Elliott.
Total 1

Senator Eck moved that SB 172 be taken from the Committee on Taxation and that it be printed and placed on second reading. Motion failed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Eck, Fuller, Haffey, Halligan, Jacobson, Kolstad, Lane, Lynch, D. Manning, R. Manning, Mazurek, Norman, Regan, Stimatz, Thomas, Towe.
Total 20

Noes: Aklestad, Boylan, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Lee, Marbut, McCallum, Mohar, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 29

Excused: None.
Total 0

Absent or not voting: Daniels.
Total 1

Senator Conover moved that the temporary rules be temporarily suspended in order to introduce a Senate joint resolution. Motion requiring a two-thirds vote carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Etchart, Fuller, Gage, Graham, Haffey, Hager, Halligan, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Smith, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 35

Noes: Aklestad, Dover, Elliott, Galt, Goodover, Hammond, Himsl, Marbut, Severson, Shaw, Tveit, Mr. President.
Total 12

Excused: None.
Total 0

Absent or not voting: Hazelbaker, Lee, Turnage.
Total 3

Senator Hazelbaker moved that the Senate stand in recess subject to the call of the Chair for the purpose of a Democratic caucus. Motion carried.

Senate recessed at 3:49 p.m.

Senate resumed at 4:39 p.m.

Senator Hazelbaker moved that the Senate stand in recess subject to the call of the Chair for the purpose of a Republican caucus. Motion carried.

Senate recessed at 4:40 p.m.

Senate resumed at 5:01 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 413, SB 459.

NATURAL RESOURCES (Dover, Chairman):
HJR 2, be concurred in. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
HB 486, third reading copy, be amended as follows:

1. Page 3, line 13.
Following: "account"
Strike: "20%"
Insert: "15%"

And, as amended, be concurred in. Report adopted.

HJR 15, be concurred in. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
HB 520, be concurred in. Report adopted.
HB 630, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 92, third reading copy, be amended as follows:

1. Title, line 10.
Strike: "AWARDING"
Insert: "ALLOWING"

2. Page 2, line 9.

Following: "to the rule"
Insert: ", provided an agency response must also be published if requested by the agency"

3. Page 2, line 10.
Following: "objection"
Insert: "and the agency response"

4. Page 2, line 20.
Strike: "shall"
Insert: "may"

5. Page 3, line 5.
Strike: "not"

6. Page 3, line 8.
Following: "~~intent~~"
Insert: "with an arbitrary or capricious disregard for the purpose of the authorizing statute as evidenced by documented legislative intent or was not"

And, as amended, be concurred in. Report adopted.

HB 557, third reading copy, be amended as follows:

1. Title, line 14.
Strike: "35-2-413,"

2. Page 41, line 11.
Strike: section 29 in its entirety
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Hammond in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 264 - That SB 264, second reading copy, be amended as follows:

1. Statement of intent, line 13.
Strike: lines 13 and 14 in their entirety

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That SB 264, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Towe.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 159 - That SB 159 do pass. Motion carried as follows:

Ayes: Aklestad, Boylan, Brown, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lee, Marbut, McCallum, Mohar, Ochsner, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 28

Noes: Berg, Blaylock, Christiaens, Conover, Eck, Fuller, Graham, Haffey, Halligan, Himsl, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Norman, Regan, Severson, Stimatz, Towe, Van Valkenburg.
Total 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Hammond moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 21 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 43

Noes: Norman, Severson, Shaw, Smith, Stimatz, Story, Tveit.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 204 passed as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, D. Manning, Marbut, Mazurek, McCallum, Regan, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 39

Noes: Blaylock, Haffey, Halligan, Jacobson, Lynch, R. Manning, Mohar, Norman, Ochsner, Stimatz, Towe.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 244 passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Stimatz, Thomas, Towe, Turnage, Van Valkenburg.
Total 37

Noes: Aklestad, Dover, Etchart, Goodover, Hammond, Kolstad, Lee, Ochsner, Shaw, Smith, Story, Tveit, Mr. President.
Total 13

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 363 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Elliott, Story.
Total 2

Excused: None.
Total 0

Absent or not voting: Himsl.
Total 1

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

At the request of Senator Brown, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Brown moved that HB 879 be taken from the Committee on Judiciary and that it be referred to the Committee on Education and Cultural Resources. Motion carried unanimously.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 6:19 p.m., until Thursday, March 3, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FORTY-NINTH LEGISLATIVE DAY

Helena, Montana
March 3, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Hammond, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the forty-eighth legislative day, find the same to be correct.

Tveit, Chairman

SPECIAL ORDERS OF THE DAY

The Senior Singers serenaded the Senate.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SB 361, SB 379.
Correctly engrossed: SB 159, SB 241, SB 252, SB 264, SB 283, SB 413, SB 459.

JUDICIARY (Turnage, Chairman):
HB 417, be concurred in. Report adopted.
HB 433, be concurred in. Report adopted.
HB 481, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, Chairman):
HB 14, be concurred in. Report adopted.
HB 142, be concurred in. Report adopted.
HB 225, third reading copy, be amended as follows:

1. Page 2, line 2.
Strike: lines 2 through 10

And, as amended, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
HB 268, be concurred in. Report adopted.

RULES (Hazelbaker, Chairman):
HB 284 is not proscribed by Rule 6-8, and we recommend that it be admitted to the Senate and assigned to Senate Standing Committee on Public Health, Welfare and Safety. Report adopted.

TAXATION (Goodover, Chairman):
SB 361, introduced bill, be amended as follows:

1. Title, line 6.
Following: "PURPOSES;"
Strike: "TO ESTABLISH A NEW CLASS OF PROPERTY FOR CERTAIN LAND;"

2. Title, line 7.
Following: "AMENDING"
Strike: "SECTIONS"
Insert: "SECTION"
Following: "15-7-202"

Strike: "AND 15-8-111"

3. Page 2, line 20.
Following: "parcels"
Insert: "that may be separated by a road, street, or alley but"

4. Page 2, line 21.
Following: "less than"
Strike: "20"
Insert: "5"

5. Page 2, line 25.
Following: "plan;"
Insert: "or"

6. Page 3, line 1.
Following: "which means"
Insert: "annual"

7. Page 3, line 2.
Following: "by the land of"
Strike: "520"
Insert: "100"
Following: "equivalent or"
Strike: "15"
Insert: "5"

8. Page 3, line 3.
Following: "equivalent;"
Insert: "or"

9. Page 3, line 5.
Following: line 4
Strike: "40"
Insert: "10"
Following: "equivalent;"
Insert: "or"

10. Page 3, line 6.
Following: "which means"
Insert: "annual"

11. Page 3, line 7.
Following: "at least"
Strike: "$1,500, adjusted for inflation"
Insert: "$500"

12. Page 3, lines 13 through 17.
Strike: subsection (3) in its entirety

13. Page 3, line 18 through page 6, line 5.
Strike: sections 2 and 3 in their entirety

And, as amended, do pass. Report adopted.

HB 227, be concurred in. Report adopted.
HB 264, be concurred in. Report adopted.
HB 423, be concurred in. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
HJR 12, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Boylan, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, D. Manning, McCallum, Ochsner, Severson, Shaw, Smith, Story, Tveit, Mr. President.
Total 26

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 21

Excused: Hammond.
Total 1

Absent or not voting: Thomas, Turnage.
Total 2

TAXATION (Goodover, Chairman):

SB 417, as amended do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 34

Noes: Blaylock, Boylan, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, D. Manning, Mohar, Regan, Stimatz, Towe, Van Valkenburg.
Total 14

Excused: Hammond.
Total 1

Absent or not voting: Thomas.
Total 1

SB 437, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Stimatz, Story, Towe, Van Valkenburg, Mr. President.
Total 39

Noes: Gage, Galt, Keating, Kolstad, Lee, Shaw, Smith, Tveit.
Total 8

Excused: Hammond.
Total 1

Absent or not voting: Thomas, Turnage.
Total 2

SB 461, do not pass. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Boylan, Brown, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut,

Mazurek, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Mr. President.
Total 36

Noes: Berg, Blaylock, Christiaens, Eck, Fuller, Haffey, Halligan, R. Manning, Mohar, Regan, Thomas, Towe, Van Valkenburg.
Total 13

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

STATE ADMINISTRATION (Story, Chairman):
HB 78, be concurred in. Report adopted.
HB 303, be concurred in. Report adopted.
HB 304, be concurred in. Report adopted.
HB 559, be concurred in. Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate amendments to House bills concurred in: 3/2/83

HB 307, introduced by Brand, Ellerd

HB 347, introduced by Donaldson

Senate bills concurred in and returned to the Senate: 3/2/83

SB 151, introduced by Galt, Turnage

SB 183, introduced by Mazurek

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 3/2/83

SB 48, introduced by Towe

SB 82, introduced by Lynch, et al.

MOTIONS

Senator Blaylock moved that the Senate reconsider its action in adopting the adverse committee report on SB 451. Motion failed as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lynch, D. Manning, R. Manning, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 20

Noes: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Marbut, Mazurek, McCallum, Ochsner, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 30

Paired: Blaylock, Aye; Hammond, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Story moved that HB 140 be taken from the Committee on Education and Cultural Resources and that it be referred to the Committee on State Administration. Motion carried unanimously.

Senator Story moved that HB 763 be taken from the Committee on Public Health, Welfare and Safety and that it be referred to the Committee on State Administration. Motion carried unanimously.

Senator Hager moved that HB 357 be taken from the Committee on Public Health, Welfare and Safety and that it be referred to the Committee on Judiciary. Motion carried unanimously.

Senator Kolstad moved that HB 445 be taken from the Committee on Business and Industry and that it be referred to the Committee on Public Health, Welfare and Safety. Motion carried unanimously.

Senator Daniels moved that HB 589 be taken from second reading and that it be referred to the Committee on Judiciary. Motion carried unanimously.

FIRST READING OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 284, introduced by Winslow, Bergene, Lory, Addy, Kitselman, Dozier, Vincent, Marks, J. Brown, Saunders, J. Jensen, Eck, Kolstad, Towe, Ochsner, Jacobson, Haffey, Boylan, Marbut, Williams. Referred to Committee on Public Health, Welfare and Safety.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Christiaens in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 241 - That SB 241, second reading copy, be amended by adding the following statement of intent:

Statement of Intent
SB 241

This act makes major changes to the provisions relating to the corporate license tax credit for new and expanding manufacturers and makes the credits available to qualified individual income taxpayers. The Department of Revenue has existing rulemaking authority with respect to the corporate license tax and has adopted rules which are more restrictive than the legislature intended. This act therefore directs the Department of Revenue to amend its existing rules to make them less restrictive.

This act authorizes the Department of Revenue to adopt rules to implement sections 6 through 10 of the act. Sections 6 through 10 are the provisions of the act which relate to the individual income taxpayer. It is the intent of the legislature that the rules adopted pursuant to the rulemaking authority granted in this act be essentially the same as the rules which implement the corporate license tax provisions as they relate to new and expanding manufacturers.

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut,

Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

That SB 241, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Mr. President.
Total 38

Noes: Berg, Blaylock, Conover, Elliott, Himsl, Keating, R. Manning, Norman, Severson, Towe, Van Valkenburg.
Total 11

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

SB 252 - That SB 252 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, D. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 40

Noes: Blaylock, Elliott, Lynch, R. Manning, Norman.
Total 5

Excused: Hammond.
Total 1

Absent or not voting: Boylan, Graham, Halligan, Tveit.
Total 4

SB 283 - That SB 283 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Smith, Thomas, Towe, Van Valkenburg, Mr. President.
Total 36

Noes: Dover, Elliott, Etchart, Gage, Galt, Keating, Severson, Shaw, Story.
Total 9

Excused: Hammond.

Total 1

Absent or not voting: Blaylock, Stimatz, Turnage, Tveit.
Total 4

SB 408 - That consideration on SB 408 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

SB 413 - That SB 413 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

SB 459 - That SB 459, second reading copy, be amended as follows:

1. Page 1, line 16.
Following: "44F"
Strike: "(c)"
Insert: "(e)"

2. Page 1, line 21.
Following: "44F"
Strike: "(c)"
Insert: "(e)"

3. Page 1, line 25.
Following: "44F"
Strike: "(c)"
Insert: "(e)"

4. Page 2, line 10.

Following: "44F"
Strike: "(c)"
Insert: "(e)"

5. Page 2, line 15.
Following: "44F"
Strike: "(c)"
Insert: "(e)"

6. Page 2, line 19.
Following: "44F"
Strike: "(c)"
Insert: "(e)"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

That SB 459, as amended, do pass. Motion carried as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Crippen, Daniels, Eck, Etchart, Fuller, Gage, Goodover, Graham, Hager, Halligan, Hazelbaker, Jacobson, Kolstad, Lane, Lee, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Stimatz, Story, Thomas.
Total 30

Noes: Aklestad, Dover, Elliott, Himsl, Keating, Tveit.
Total 6

Excused: Hammond.
Total 1

Absent or not voting: Boylan, Brown, Galt, Haffey, Lynch, D. Manning, McCallum, Shaw, Smith, Towe, Turnage, Van Valkenburg, Mr. President.
Total 13

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Christiaens moved the adoption of the committee report. Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Christiaens in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 85 - That HB 85 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 138 - That HB 138 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 159 - That HB 159 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 216 - That HB 216 be concurred in. Motion failed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Jacobson, Kolstad, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Regan, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 22

Noes: Aklestad, Boylan, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hazelbaker, Himsl, Keating, Marbut, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit.
Total 25

Excused: Hammond.
Total 1

Absent or not voting: Halligan, Lee.
Total 2

HB 233 - That HB 233 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 432 - That HB 432 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HJR 17 - That HJR 17 be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith,

Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Aklestad.
Total 1

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 7 - That HB 7 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 39 - That HB 39 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Etchart.
Total 1

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 73 - That HB 73 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 122 - That HB 122 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 205 - That HB 205, second reading copy, be amended as follows:

1. Page 2, line 5.
Following: ","
Insert: "provided that the provisions of the Little Davis Bacon Act, Title 18, chapter 2, part 4, MCA, and the Davis Bacon Act, Title 40, sections 276a-276a-5, USCA, are satisfied,"

Amendment failed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe.
Total 21

Noes: Aklestad, Boylan, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 27

Excused: Hammond.
Total 1

Absent or not voting: Graham.
Total 1

That consideration on HB 205 be passed. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Eck, Etchart, Fuller, Gage, Graham, Haffey, Halligan, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Ochsner, Regan, Smith, Stimatz, Thomas, Towe, Van Valkenburg.
Total 31

Noes: Aklestad, Crippen, Dover, Elliott, Galt, Goodover, Hager, Hazelbaker, Himsl, Keating, Marbut, McCallum, Severson, Shaw, Story, Turnage, Tveit, Mr. President.
Total 18

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 46 - That HB 46 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 59 - That HB 59 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

HB 355 - That HB 355 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Christiaens moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

SB 335 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hammond.
Total 1

Absent or not voting: Lynch.
Total 1

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 6:21 p.m., until Friday, March 4, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTIETH LEGISLATIVE DAY

Helena, Montana
March 4, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Keating, Lane, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the forty-ninth legislative day, find the same to be correct.

Tveit, Chairman

COMMUNICATIONS AND PETITIONS

MEMORANDUM

To: All Members of the Senate

From: Stan Stephens
President

Re: Environmental Quality Council

Date: March 4, 1983

I have appointed the following public members to serve on the Environmental Quality Council in accordance with Section 5-16-101:

Warren Harding, Simms, Montana, appointed for a term beginning immediately upon appointment and ending before the 50th day of the 49th legislature.

Frank Stock, Polson, Montana, reappointed for a term beginning immediately upon appointment and ending before the 50th day of the 49th legislature.

REPORTS OF STANDING COMMITTEES

COMMITTEES (Galt, Chairman):
Respectfully report and recommend the following senator be appointed to the Senate Committee on State Administration:

Gary P. Lee (R)

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
HB 244, be concurred in. Report adopted.
HB 338, be concurred in. Report adopted.
HB 339, be concurred in. Report adopted.

JUDICIARY (Turnage, Chairman):
HB 130, third reading copy, be amended as follows:

1. Page 2.
Following: line 9
Insert: "(3) "Person" includes any individual, business association, partnership, or corporation."

2. Page 3, line 21.
Strike: "$25,000"
Insert: "$50,000"

3. Page 4, line 19.
Strike: "$25,000"

Insert: "$50,000"

4. Page 4.
Following: line 22
Insert: "(3) A person under 18 years of age convicted of a first violation under this section shall be presumed to be entitled to a deferred imposition of sentence."

And, as amended, be concurred in. Report adopted.

JUDICIARY (Crippen, Vice-Chairman):
HB 265, be concurred in. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
HB 336, be concurred in. Report adopted.
HB 483, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 141, be concurred in. Report adopted.
HB 579, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 125, be concurred in. Report adopted.
HB 333, be concurred in. Report adopted.
HB 448, third reading copy, be amended as follows:

1. Title, line 11.
Following: "17-5-301,"
Insert: "17-5-303"

2. Page 9, line 11.
Following: "the principal"
Insert: "and interest"

3. Page 9.
Following: line 12
Insert: "Section 8. Section 17-5-303, MCA, is amended to read:

"17-5-303. Application of refunding bond law. All of the provisions of the act authorizing the issuance of the bonds or debentures which are to be refunded, insofar as the same relate to the issuance and sale, term and rate of interest, tax levies or funds for the payment and interest thereof, and time and manner of such payments shall apply fully to such refunding bonds or debentures, except insofar as the same may be in conflict with the provisions of this part~~, shall apply fully to such refunding bonds or debentures~~ or with the provisions of any law authorizing particular refunding bonds."

Section 9. Section 17-5-304, MCA is amended to read:

"17-5-304. Cost and expense of refunding. The board of examiners may require the purchaser to bear the cost and expense of refunding any issue of bonds or debentures in connection with the bid submitted, or the cost and expense may be paid out of the sinking and interest fund when there is money in such fund. The balance remaining in such sinking and interest fund shall be transferred ~~to and shall become the sinking and interest fund for such refunding bonds or debentures. Any and all moneys thereafter received by the state treasurer for such sinking and interest fund shall be placed in the sinking and interest fund of such refunding bonds or debentures~~ in accordance with the provisions under which the refunded bonds were issued or as otherwise provided by law.""
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 460, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, Chairman):
HB 226, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Galt.
Total 1

Excused: Keating, Lane.
Total 2

Absent or not voting: None.
Total 0

LOCAL GOVERNMENT (McCallum, Chairman):
HB 318, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Fuller, Hager, Kolstad, Lee, R. Manning, Thomas.
Total 6

Excused: Keating, Lane.
Total 2

Absent or not voting: None.
Total 0

COMMITTEES (Galt, Chairman):
We hereby appoint to the Environmental Quality Council the following members:

Larry Tveit
James N. Shaw
Dorothy Eck
Mike Halligan

Hereby appoint to the Legislative Council the following members:

Pat M. Goodover
Allen C. Kolstad
M. K. Daniels
Carroll Graham

And hereby appoint to the Legislative Audit Committee the following members:

Matt Himsl
Harold L. Dover
Joseph P. Mazurek
Judy H. Jacobson

Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate bills concurred in and returned to the Senate: 3/3/83

SB 88, introduced by Fuller, Brown

SB 100, introduced by Graham

SB 205, introduced by Eck, et al.

SB 216, introduced by Stimatz

SB 268, introduced by R. Manning

SJR 6, introduced by Mazurek

SJR 8, introduced by Severson

SB 326, introduced by Blaylock, et al., requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, was concurred in as amended and is returned to the Senate for concurrence in House amendments with the following vote: 3/3/83

House of Representatives

Yeas - 86
Nays - 9

The House, on 3/1/83, failed to concur in Senate amendments to HB 53 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 53.

The Speaker appointed the following members:

Representative Spaeth, Chairman
Representative Bergene
Representative Addy

The House, on 3/1/83, failed to concur in Senate amendments to HB 106 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 106.

The Speaker appointed the following members:

Representative Roush, Chairman
Representative Pavlovich
Representative Winslow

MOTIONS

Senator Turnage moved that the temporary rules be temporarily suspended in order to place SB 408, SB 361, and SB 379 on both second and third readings this day. Motion carried as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Keating, Lane.
Total 2

Absent or not voting: Blaylock, D. Manning.
Total 2

Senator Goodover moved that HB 264 be taken from second reading and that it be referred to the Committee on Taxation. Motion carried unanimously.

Senator Story moved that HB 303 be taken from second reading and that it be referred to the Committee on State Administration. Motion carried unanimously.

Senator Hazelbaker moved that the Senate accede to the request of the House of Representatives and appoint a conference committee to confer on Senate amendments to HB 106. Motion carried unanimously.

Senator Van Valkenburg moved that the Senate reconsider its action in adopting the adverse committee report on HJR 12. Motion carried as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lane, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 25

Noes: Aklestad, Boylan, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 24

Paired: Blaylock, Lane, Ayes; Keating, McCallum, Noes.

Excused: None.
Total 0

Absent or not voting: Lynch.
Total 1

Senator Galt excused at 3:32 p.m.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 159 passed as follows:

Ayes: Aklestad, Boylan, Brown, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 27

Noes: Berg, Blaylock, Christiaens, Conover, Eck, Fuller, Graham, Haffey, Halligan, Himsl, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Severson, Stimatz, Towe, Van Valkenburg.
Total 23

Paired: Galt, Keating, Turnage, Ayes; Blaylock, Lane, Regan, Noes.

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 241 passed as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Kolstad, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Shaw, Smith, Stimatz, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 39

Noes: Elliott, Himsl, R. Manning, Norman, Severson, Story, Towe.
Total 7

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: Blaylock.
Total 1

SB 252 passed as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Eck, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, D. Manning, Marbut, Mazurek, McCallum, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 37

Noes: Blaylock, Daniels, Dover, Elliott, Halligan, Lynch, R. Manning, Mohar, Norman, Stimatz.
Total 10

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

SB 264 passed as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Blaylock, R. Manning, Towe.
Total 3

Paired: Galt, Keating, Ayes; Blaylock, Towe, Noes.

Excused: Lane.
Total 1

Absent or not voting: Regan.
Total 1

SB 283 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 39

Noes: Dover, Elliott, Etchart, Galt, Hammond, Hazelbaker, Keating, Severson, Shaw, Story, Tveit.
Total 11

Paired: Blaylock, Lane, Regan, Ayes; Elliott, Galt, Keating, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 413 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

SB 459 passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 44

Noes: Aklestad, Elliott, Shaw, Tveit.
Total 4

Paired: Lane, Aye; Elliott, No.

Excused: Galt, Keating.
Total 2

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Gage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 408 - That SB 408, second reading copy, be amended as follows:

1. Title, line 5.
Strike: "CERTAIN AIRCRAFT"
Insert: "CLASS EIGHT PROPERTY"

2. Page 2.
Following: line 2
Insert: "(i) automobiles and trucks having a rated capacity of three-quarters of a ton or less;

(j) snowmobiles;

(k) motor home, trailers, and campers;"

3. Page 2, line 3.
Strike: "(i)"
Insert: "(l)"

4. Page 2, line 4.
Strike: "(j)"
Insert: "(m)"

5. Page 2, line 6.
Strike: "taxed at 11%"
Insert: "to be charged a fee of 1%"

6. Page 3, line 25.
Following: "~~and~~"
Insert: "and"

7. Page 4, line 1.
Strike: subsection k in its entirety

Amendment passed as follows:

Ayes: Aklestad, Berg, Boylan, Christiaens, Conover, Dover, Elliott, Etchart, Fuller, Graham, Hager, Halligan, Jacobson, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Norman, Ochsner, Regan, Severson, Shaw, Smith, Thomas, Towe.
Total 27

Noes: Blaylock, Crippen, Eck, Goodover, Haffey, Hammond, Hazelbaker, Himsl, Kolstad, McCallum, Mohar, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 16

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: Brown, Daniels, Gage, Stimatz.
Total 4

Senate stood at ease at 3:56 p.m.

Senate resumed at 3:58 p.m.

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion failed as follows:

Ayes: Aklestad, Crippen, Eck, Gage, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Kolstad, D. Manning, McCallum, Severson, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 19

Noes: Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Elliott, Etchart, Fuller, Haffey, Halligan, Jacobson, Lee, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Smith, Stimatz, Story, Tveit.
Total 26

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: Berg, Shaw.
Total 2

That SB 408, as amended, do pass. Motion failed as follows:

Ayes: Gage, Mr. President.
Total 2

Noes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 45

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

That SB 408 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Berg, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Graham, Halligan, Himsl, Jacobson, Kolstad, Lee, Lynch, R. Manning, Marbut, Mazurek, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Tveit.
Total 31

Noes: Blaylock, Boylan, Goodover, Haffey, Hager, Hammond, Hazelbaker, McCallum, Mohar, Norman, Story, Turnage, Van Valkenburg, Mr. President.
Total 14

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: Daniels, D. Manning.
Total 2

SB 361 - That SB 361, second reading copy, be amended as follows:

1. Page 3, line 3.
Strike: "100"

Insert: "520"

2. Page 3, line 4.
Strike: "5"
Insert: "15"

3. Page 3, line 8.
Strike: "$500"
Insert: "$1000"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Story.
Total 1

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

That SB 361, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

SB 379 - That SB 379, second reading copy, be amended as follows:

1. Title, line 8.
Following: "PENALTIES"
Insert: "; PROVIDING AN EFFECTIVE DATE AND TERMINATION DATE"

2. Page 1, line 20.
Following: "to"
Insert: "25% of"

3. Page 3, line 2.
Following: line 2

Insert: "NEW SECTION. Section 7. Effective date — termination date. This act is effective upon passage and approval and terminates on June 30, 1988."

Amendment passed as follows:

Ayes: Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Severson, Stimatz, Story, Thomas, Towe, Turnage.
Total 31

Noes: Aklestad, Goodover, Hammond, Kolstad, Lee, Ochsner, Shaw, Smith, Tveit, Mr. President.
Total 10

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: Berg, Conover, D. Manning, McCallum, Regan, Van Valkenburg.
Total 6

That SB 379, as amended, do pass. Motion failed as follows:

Ayes: Berg, Blaylock, Christiaens, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 19

Noes: Aklestad, Boylan, Brown, Conover, Crippen, Dover, Elliott, Etchart, Gage, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Kolstad, Lee, D. Manning, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 28

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

That SB 379 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Boylan, Brown, Conover, Crippen, Dover, Elliott, Etchart, Goodover, Hager, Hammond, Hazelbaker, Himsl, Kolstad, Lee, Marbut, McCallum, Mohar, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 26

Noes: Berg, Blaylock, Christiaens, Daniels, Eck, Fuller, Gage, Haffey, Halligan, Jacobson, Lynch, R. Manning, Mazurek, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 19

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: Graham, D. Manning.
Total 2

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr.

President in the Chair. Chairman Gage moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

SB 361 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: Graham, Hager, D. Manning.
Total 3

Senate stood at ease at 4:57 p.m.

Senate resumed at 5:10 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
HB 123, be concurred in. Report adopted.
HB 128, be concurred in. Report adopted.
HB 181, be concurred in. Report adopted.
HB 223, be concurred in. Report adopted.
HB 262, be concurred in. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
HB 255, be concurred in. Report adopted.
HB 260, be concurred in. Report adopted.
HB 305, be concurred in. Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Gage in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 45 - That House amendments to SB 45 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut,

Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

SB 48 - That House amendments to SB 48 be concurred in.

Substitute motion that House amendments to SB 48 be not concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Crippen, Dover, Elliott, Etchart, Gage, Goodover, Graham, Hager, Hammond, Himsl, Kolstad, Lee, Marbut, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Story, Thomas, Turnage, Van Valkenburg, Mr. President.
Total 28

Noes: Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Halligan, Hazelbaker, Jacobson, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Stimatz, Towe.
Total 17

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: Regan, Tveit.
Total 2

SB 82 - That House amendments to SB 82 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

HB 205 - That HB 205 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw,

Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

HB 216 - That HB 216 be concurred in.

Substitute motion that HB 216 be indefinitely postponed. Motion failed as follows:

Ayes: Aklestad, Boylan, Brown, Crippen, Dover, Elliott, Etchart, Gage, Goodover, Graham, Hager, Hammond, Himsl, Jacobson, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Tveit.
Total 22

Noes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Halligan, Hazelbaker, Kolstad, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Regan, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 24

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: Norman.
Total 1

That HB 216 be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Haffey, Halligan, Hazelbaker, Jacobson, Kolstad, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 30

Noes: Aklestad, Boylan, Brown, Dover, Elliott, Etchart, Gage, Goodover, Graham, Hager, Hammond, Himsl, Lee, Shaw, Smith, Tveit.
Total 16

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: Norman.
Total 1

HB 18 - That HB 18 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.

Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

HB 36 - That HB 36, third reading copy, be amended as follows:

1. Page 1, line 19.
Insert: "(b) clerk of each court of record of this state, one copy;"

2. Page 2, line 16.
Following: "~~of~~"
Insert: "clerk of each court of record in the state,"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

That HB 36, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

HB 47 - That HB 47, third reading copy, be amended as follows:

1. Page 1, line 22.
Following: "REPRINTING"
Strike: "or upon request of the administrative code committee as provided in subsection (2)"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

That HB 47, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

HB 92 - That HB 92 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

HB 107 - That consideration on HB 107 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl,

Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

HB 119 - That HB 119 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

HB 150 - That HB 150 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: McCallum.
Total 1

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

HB 152 - That HB 152 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 47

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

HB 167 - That HB 167 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

HB 173 - That HB 173 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

HB 214 - That HB 214 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

HB 259 - That consideration on HB 259 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

HB 276 - That HB 276 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

HB 287 - That HB 287 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

HB 289 - That HB 289 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

HB 346 - That consideration on HB 346 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

HB 353 - That HB 353 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

HB 452 - That HB 452 be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Gage, Goodover, Haffey, Hager, Hazelbaker, Himsl, Jacobson, R. Manning, Marbut, Mohar, Regan, Shaw, Story, Towe, Turnage, Mr. President.
Total 24

Noes: Aklestad, Daniels, Elliott, Etchart, Fuller, Halligan, Lee, Norman, Ochsner, Smith, Stimatz, Tveit, Van Valkenburg.
Total 13

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: Boylan, Graham, Hammond, Kolstad, Lynch, D. Manning, Mazurek, McCallum, Severson, Thomas.
Total 10

HB 486 - That consideration on HB 486 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

HB 487 - That HB 487 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

HB 488 - That HB 488 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl,

Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

HB 520 - That HB 520 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

HB 557 - That consideration on HB 557 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

HB 630 - That HB 630 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw,

Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

HJR 2 - That HJR 2 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

HJR 15 - That HJR 15 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Galt, Keating, Lane.
Total 3

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Gage moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):

Correctly enrolled: SB 60, SB 63, SB 75, SB 183.
Examined by the sponsor (Conover) and found to be correct: SB 60.
Examined by the sponsor (Mazurek) and found to be correct: SB 183.
Examined by the sponsor (Turnage) and found to be correct: SB 63, SB 75.
Signed by the President at 5:30 p.m., 3/4/83: SB 60, SB 63, SB 75, SB 183.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 6:59 p.m., until Saturday, March 5, 1983, at the hour of 2:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTY-FIRST LEGISLATIVE DAY

Helena, Montana
March 5, 1983

Senate Chambers
State Capitol

Senate convened at 2:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Daniels, Keating, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the fiftieth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman):
HB 110, be concurred in. Report adopted.
HB 166, third reading copy, be amended as follows:

1. Title, line 6.
Strike: "FORMAL"
Strike: "CLARIFYING THE BIDDING"

2. Title, line 7.
Strike: "REQUIREMENTS; AND"

3. Page 3.
Following: line 3
Strike: lines 4 through 23
Insert: "(3) Whenever the estimated cost of any building, furnishing, repairing, or other work for the benefit of the district or purchasing of supplies for the district exceeds the sum of $7,500, the work done or the purchase made shall be by contract. Each such contract must be let to the lowest responsible bidder after advertisement for bids. Such advertisement shall be published in the newspaper which will give notice to the largest number of people of the district as determined by the trustees. Such advertisement shall be made once each week for 2 consecutive weeks and the second publication shall be made not less than 5 days or more than 12 days before consideration of bids. A contract not let pursuant to this section shall be void.

(4) Whenever bidding is required, the trustees shall award the contract to the lowest responsible bidder, except that the trustees may reject any or all bids."

4. Page 3, line 24.
Following: line 23
Strike: "(D)"
Insert: "(5)"

And, as amended, be concurred in. Report adopted.

HB 657, be concurred in. Report adopted.
HJR 6, be concurred in. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
HB 615, third reading copy, be amended as follows:

1. Title, line 7.
Following: "MINE"
Strike: "SITING"
Insert: "RECLAMATION"

2. Statement of intent, line 9.
Strike: "Siting"
Insert: "Reclamation"

3. Statement of intent, line 19.
Following: "of the"
Strike: "Siting"
Insert: "Strip and Underground Mine Reclamation"

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 266, third reading copy, be amended as follows:

1. Title, line 11.
Strike: "RESIDENCY REQUIREMENTS,"

2. Title, line 12.
Strike: "DISABILITY REQUIREMENTS;"
Insert: "NONDISABILITY AS DISQUALIFICATIONS; ADDING OTHER QUALIFICATIONS; AND"

3. Statement of intent, line 9.
Strike: "as well as others"

And, as amended, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
HB 28, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Crippen, Hager, Regan.
Total 3

Excused: Daniels, Keating.
Total 2

Absent or not voting: Thomas.
Total 1

HB 90, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Daniels, Keating.
Total 2

Absent or not voting: Hammond, Thomas.
Total 2

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate bills concurred in and returned to the Senate: 3/4/83

SB 35, introduced by Conover

SB 122, introduced by Keating, et al.

SB 123, introduced by Marbut, et al.

SB 144, introduced by Turnage, Towe

SB 156, introduced by Goodover, Addy

SB 220, introduced by Daniels

Senate bill not concurred in and returned to the Senate: 3/4/83

SB 103, introduced by Ochsner, et al.

The House, on 3/5/83, acceded to the request of the Senate for the return of HJR 12, introduced by Swift, et al., and is returning said bill to the Senate for further consideration.

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 3/5/83

SB 69, introduced by Fuller, Harper

Senator Daniels present at 2:12 p.m.

MOTIONS

Senator Lee moved that the Senate reconsider its action in adopting the adverse committee report on HB 318 and that it be referred to the Committee on Local Government.

Senator Lee made a substitute motion that the Senate reconsider its action in adopting the adverse committee report on HB 318 and that it be printed and placed on second reading. Motion failed as follows:

Ayes: Crippen, Daniels, Dover, Eck, Fuller, Gage, Hager, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Mazurek, Shaw, Stimatz, Thomas, Towe.
Total 18

Noes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Keating, Lane, Marbut, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 32

Paired: Mazurek, Aye; Keating, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hager moved that the Senate reconsider its action in adopting the adverse committee report on HB 28. Motion withdrawn.

Senator Etchart moved that HJR 12 be referred to the Committee on Natural Resources.

Senator Van Valkenburg made a substitute motion that HJR 12 be referred to the Committee on Judiciary. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Eck, Fuller, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Severson, Shaw, Stimatz, Thomas, Towe, Turnage, Van Valkenburg.
Total 32

Noes: Aklestad, Crippen, Dover, Elliott, Etchart, Gage, Galt, Hammond, Himsl, Keating, Kolstad, Lee, McCallum, Ochsner, Smith, Story, Tveit, Mr. President.
Total 18

Paired: Regan, Aye; Keating, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

President Stephens appointed the following conference committee to meet with a like committee from the House of Representatives to confer on Senate amendments to HB 106:

Senator Lee, Chairman
Senator Shaw
Senator Boylan

Senator Marbut moved that HB 107 be taken from second reading and that it be referred to the Committee on State Administration. Motion carried unanimously.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Lane in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 259 - That HB 259, third reading copy, be amended as follows:

1. Title, line 5.
Following: "ENTITLED: "AN ACT"
Strike: remainder of line 5 through "THEREOF;" on line 8

2. Title, line 10.
Strike: "SECTIONS"
Insert: "SECTION"
Strike: "AND"

3. Title, line 11.
Strike: "5-2-302"

4. Page 1, line 14.
Strike: section 1 in its entirety
Renumber: subsequent sections

Amendment passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Lynch, Marbut, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Thomas, Turnage, Tveit, Mr. President.
Total 34

Noes: Christiaens, Eck, Fuller, Lane, R. Manning, Mazurek, Stimatz, Towe.
Total 8

Excused: Keating.
Total 1

Absent or not voting: Aklestad, Kolstad, Lee, D. Manning, Regan, Story, Van Valkenburg.
Total 7

That HB 259, third reading copy, be further amended as follows:

1. Page 3, line 2.
Following: "residence"
Insert: "in Montana"

2. Page 3, line 11.
Following: "residence"
Insert: "in Montana"

3. Page 3, line 15.
Following: "residence"
Insert: "in Montana"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Keating.
Total 1

Absent or not voting: None.
Total 0

That HB 259, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Ochsner, Shaw, Smith.
Total 3

Excused: Keating.
Total 1

Absent or not voting: None.
Total 0

HB 346 - That HB 346 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Keating.
Total 1

Absent or not voting: None.
Total 0

HB 486 - That HB 486 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Keating.
Total 1

Absent or not voting: None.
Total 0

HB 557 - That HB 557, third reading copy, be amended as follows:

1. Page 1, line 25.
Strike: "perjury"
Insert: "false swearing"

2. Page 4, line 9.

Strike: "perjury"
Insert: "false swearing"

3. Page 16, line 25.
Strike: "perjury"
Insert: "false swearing"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Keating.
Total 1

Absent or not voting: None.
Total 0

That HB 557, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Keating.
Total 1

Absent or not voting: None.
Total 0

SB 326 - That House amendments to SB 326 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Keating.

Total 1

Absent or not voting: None.
Total 0

HB 14 - That HB 14 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Keating.
Total 1

Absent or not voting: None.
Total 0

HB 78 - That HB 78 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Keating.
Total 1

Absent or not voting: None.
Total 0

HB 142 - That HB 142 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Keating.
Total 1

Absent or not voting: None.
Total 0

HB 225 - That HB 225 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Kolstad, Lane, Lee, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 38

Noes: Jacobson, Lynch, R. Manning.
Total 3

Excused: Keating.
Total 1

Absent or not voting: Boylan, Daniels, Galt, D. Manning, McCallum, Stimatz, Story, Tveit.
Total 8

HB 227 - That HB 227 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Keating.
Total 1

Absent or not voting: None.
Total 0

HB 268 - That HB 268 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Keating.
Total 1

Absent or not voting: None.
Total 0

HB 304 - That HB 304 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker,

Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Keating.
Total 1

Absent or not voting: None.
Total 0

HB 417 - That HB 417 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Keating.
Total 1

Absent or not voting: None.
Total 0

HB 423 - That HB 423 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Keating.
Total 1

Absent or not voting: None.
Total 0

HB 433 - That HB 433 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 49

Noes: None.
Total 0

Excused: Keating.
Total 1

Absent or not voting: None.
Total 0

HB 481 - That HB 481 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Crippen.
Total 1

Excused: Keating.
Total 1

Absent or not voting: None.
Total 0

HB 559 - That HB 559 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Keating.
Total 1

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Lane moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 7 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham,

Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Boylan.
Total 1

Excused: Keating.
Total 1

Absent or not voting: Daniels, Severson, Thomas.
Total 3

HB 39 concurred in as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Towe, Turnage, Tveit, Van Valkenburg.
Total 38

Noes: Aklestad, Boylan, Elliott, Etchart, Graham, Hammond, Himsl, Story, Mr. President.
Total 9

Excused: Keating.
Total 1

Absent or not voting: Daniels, Thomas.
Total 2

HB 46 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Keating.
Total 1

Absent or not voting: Daniels.
Total 1

HB 59 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Keating.
Total 1

Absent or not voting: Daniels.
Total 1

HB 73 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Keating.
Total 1

Absent or not voting: None.
Total 0

HB 85 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Keating.
Total 1

Absent or not voting: None.
Total 0

HB 122 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Keating.

Total 1

Absent or not voting: None.
Total 0

HB 138 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Keating.
Total 1

Absent or not voting: None.
Total 0

HB 159 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Keating.
Total 1

Absent or not voting: None.
Total 0

HB 233 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Keating.
Total 1

Absent or not voting: None.
Total 0

HB 355 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Keating.
Total 1

Absent or not voting: Thomas.
Total 1

HB 432 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Keating.
Total 1

Absent or not voting: None.
Total 0

HJR 17 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Aklestad, Mohar.
Total 2

Excused: Keating.
Total 1

Absent or not voting: None.
Total 0

At the request of Senator Story, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Story moved that HB 579 be taken from second reading and that it be referred to the Committee on Local Government. Motion carried unanimously.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly enrolled: SB 53, SB 151.
Examined by the sponsor (Galt) and found to be correct: SB 53, SB 151.
Signed by the President at 3:00 p.m., 3/5/83: SB 53, SB 151, HB 347.

FISH AND GAME (Smith, Chairman):
HB 672, be concurred in. Report adopted.
HB 402, be concurred in. Report adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 3:49 p.m., until Monday, March 7, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTY-SECOND LEGISLATIVE DAY

Helena, Montana
March 7, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except D. Manning, Thomas, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the fifty-first legislative day, find the same to be correct.

Tveit, Chairman

SPECIAL ORDERS OF THE DAY

The Flathead Valley High School Concert Choir performed for the Senate under the direction of Don Goddard, the 1983 Teacher of the Year.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Delivered to the Governor for his approval at 10:00 a.m., 3/7/83: SB 60, SB 63, SB 75, SB 183.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully report as follows:

That the following attaches of the Senate be employed as of 8:00 a.m. on Monday, March 7, 1983:

Mark Burningham.....Page
Wanda Iverson.....Page
LeAnn Johnson.....Page
Pat Murphy.....Page
Kelly Nisbet.....Page
Stephen Ore.....Page
Andrea Phillips.....Page
Michele Popejoy.....Page
Kimberly Stevenson.....Page

And that the following attaches of the Senate be terminated as of 5:00 p.m. on Saturday, March 5, 1983:

Sheldon "Scott" McArthur.....Page
Colleen K. McGowan.....Page
Shari Nelson.....Page
Cheryl A. Parzych.....Page
Amy V. Roach.....Page
Lisa M. Schaefer.....Page
Kelly K. Minnehan.....Page
Jennifer J. Simic.....Page

Report adopted.

BUSINESS AND INDUSTRY (Lee, Vice-Chairman):
HB 229, be concurred in. Report adopted.

JUDICIARY (Turnage, Chairman):
HB 577, be concurred in. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
HB 293, third reading copy, be amended as follows:

1. Title, line 8.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 3.
Following: line 24
Insert: "NEW SECTION. Section 3. Effective date. This act is effective July 1, 1983."

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 37, third reading copy, be amended as follows:

1. Title, lines 10 and 11.
Strike: "EVERY" through "BY" on line 11
Insert: "ORGANIZATIONS AND MEMBERS THEREOF WHICH FILE A REQUEST WITH"

2. Page 2, line 3.
Following: "~~and~~"
Insert: "and to the office of any professional, trade, or industrial society or organization or member thereof which has filed a request with the administrative code committee when such request has been forwarded to the agency as provided in subsection (b).

(b) The administrative code committee shall forward a list of all organizations or persons who have submitted a request to be informed of agency actions to all agencies publishing rulemaking notices in the Montana Administrative Register. The list must be amended by the agency upon request of any person requesting to be added to or deleted from the list."

3. Page 2, line 10.
Strike: "(b)"
Insert: "(c)"

4. Page 2, line 12 through page 3, line 6.
Strike: lines 12 through 6 on page 3 in their entirety

And, as amended, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
HB 656, third reading copy, be amended as follows:

1. Title, line 6.
Strike: "LOCATED IN HELENA"
Insert: "OTHER THAN UNIVERSITY SYSTEM"

2. Page 1, line 13.
Strike: "LOCATED IN HELENA"
Insert: "other than university system"

3. Page 1, lines 16 and 17.
Strike: "IN HELENA"

And, as amended, be concurred in. Report adopted.

HJR 5, third reading copy, be amended as follows:

1. Page 2, lines 8 and 9.
Strike: "without limitations the location of legislative chambers,"
Following: "rooms"
Strike: ","

2. Page 4, line 11.
Following: "ROOMS"
Insert: "and office space for legislative and administrative support staff"

3. Page 4, line 13.
Following: "ALLOCATE"
Insert: "the remaining"

And, as amended, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
HB 361, be concurred in. Report adopted.

JUDICIARY (Turnage, Chairman):
HB 589, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: Keating.
Total 1

TAXATION (Goodover, Chairman):
HB 33, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hazelbaker, Himsl, Kolstad, Lane, Lee, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 39

Noes: Crippen, Eck, Hager, Hammond, Jacobson, Lynch, Stimatz, Towe.
Total 8

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: Keating.
Total 1

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House, on 3/5/83, requested the return of SB 103, introduced by Ochsner, et al., for further consideration.

MOTIONS

Senator Hazelbaker moved that the Senate accede to the request of the House of Representatives to return SB 103. Motion carried unanimously.

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on SB 48. Motion carried unanimously.

The President appointed the following members:

Senator Story, Chairman
Senator Tveit
Senator Towe

Senator Towe requested, without objection, that HB 448 be placed below HB 128 on second reading.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 18 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Shaw.
Total 1

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 36 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: Elliott.

Total 1

HB 47 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 92 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: Tveit.
Total 1

HB 119 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Shaw.
Total 1

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 150 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Van Valkenburg, Mr. President.
Total 42

Noes: Dover, Kolstad, McCallum, Ochsner, Tveit.
Total 5

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: Lee.
Total 1

HB 152 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: Smith.
Total 1

HB 167 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: Shaw, Turnage.
Total 2

HB 173 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson,

Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 205 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 214 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 216 concurred in as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Fuller, Goodover, Haffey, Halligan, Jacobson, Keating, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Stimatz, Story, Towe, Turnage, Van Valkenburg, Mr. President.
Total 29

Noes: Aklestad, Boylan, Brown, Dover, Etchart, Gage, Galt, Graham, Hager, Hammond, Hazelbaker, Himsl, Kolstad, Lee, Ochsner, Severson, Shaw, Smith, Tveit.

Total 19

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 276 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 287 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 289 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 353 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Boylan, Graham, R. Manning.
Total 3

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 452 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Fuller, Galt, Goodover, Graham, Haffey, Hager, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, R. Manning, Marbut, Mohar, Norman, Regan, Severson, Shaw, Stimatz, Story, Towe, Turnage, Mr. President.
Total 33

Noes: Aklestad, Daniels, Elliott, Etchart, Gage, Halligan, Hammond, Kolstad, Lee, Mazurek, McCallum, Ochsner, Smith, Tveit, Van Valkenburg.
Total 15

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 487 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 488 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Boylan, Himsl.
Total 2

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 520 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 630 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Boylan.
Total 1

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

SB 45, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw,

Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: Lynch.
Total 1

SB 82, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: Shaw.
Total 1

SB 326, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HJR 2 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Aklestad.
Total 1

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HJR 15 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Shaw.
Total 1

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Smith in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 69 - That House amendments to SB 69 be concurred in. Motion failed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, McCallum, Mohar, Norman, Regan, Towe, Van Valkenburg.
Total 19

Noes: Aklestad, Boylan, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hammond, Hazelbaker, Himsl, Keating, Lee, Marbut, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Mr. President.
Total 25

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: Daniels, Graham, Hager, Kolstad.
Total 4

That House amendments to SB 69 be not concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Lane, Lee, Marbut, Mazurek, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Van Valkenburg.
Total 33

Noes: Blaylock, Christiaens, Eck, Fuller, Haffey, Jacobson, Lynch, R. Manning, Mohar, Regan, Stimatz, Towe.
Total 12

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: Graham, Kolstad, Mr. President.
Total 3

HB 123 - That HB 123 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 125 - That HB 125 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 128 - That HB 128 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson,

Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 448 - That HB 448 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 130 - That consideration on HB 130 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 141 - That HB 141 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Elliott, Keating.
Total 2

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 181 - That HB 181 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 223 - That HB 223 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 244 - That HB 244 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.

Total 2

Absent or not voting: None.
Total 0

HB 260 - That consideration on HB 260 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 262 - That HB 262 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 265 - That HB 265 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.

Total 0

HB 305 - That HB 305 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 333 - That HB 333 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 336 - That consideration on HB 336 be passed until the 54th day. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 338 - That HB 338 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Regan.
Total 1

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 339 - That HB 339 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 460 - That HB 460 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 483 - That HB 483 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning,

Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 255 - That HB 255 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Smith moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Turnage moved that HB 260 be taken from second reading and that it be referred to the Committee on Finance and Claims. Motion carried unanimously.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly enrolled: SB 216, SB 268.
Examined by the sponsor (R. Manning) and found to be correct: SB 268.
Examined by the sponsor (Stimatz) and found to be correct: SB 216.
Signed by the President at 4:00 p.m., 3/7/83: SB 216, SB 268, HB 307.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 4:58 p.m., until Tuesday, March 8, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTY-THIRD LEGISLATIVE DAY

Helena, Montana
March 8, 1983

Senate Chambers
State Capitol

Senate convened at 3:01 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Thomas, Towe, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the fifty-second legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Delivered to the Governor for his approval at 9:30 a.m., 3/8/83: SB 53, SB 151, SB 216, SB 268.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully report as follows:

That the following attache of the Senate be employed as of 8:00 a.m. on Tuesday, March 8, 1983:

Cynthia A. Peterson.....Committee Secretary

Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
HB 509, be concurred in. Report adopted.
HB 743, third reading copy, be amended as follows:

1. Page 1, line 13.
Strike: "highways"
Insert: "ways"

2. Page 2, line 14.
Strike: "highways"
Insert: "ways"

3. Page 2, line 20.
Following: line 19
Insert: "NEW SECTION. Section 2. Definition. "Ways of this state" means any highway, road, alley, lane, parking area, or other public or private place adapted and fitted for public vehicle travel that is commonly used by the public with the express or implied consent of the owner."

And, as amended, be concurred in. Report adopted.

HJR 27, be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
HB 363, third reading copy, be amended as follows:

1. Title, line 8.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2, line 20.
Following: "."
Insert: "Section 2. Effective date. This act is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

HB 364, third reading copy, be amended as follows:

1. Title, line 7.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2, line 19.
Following: "."
Insert: "Section 2. Effective date. This act is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman):
HB 224, be concurred in. Report adopted.
HB 273, third reading copy, be amended as follows:

1. Page 2, line 8.
Following: "REQUEST"
Insert: "and"

2. Page 2, line 9.
Following: "administrator"
Insert: "agrees"

And, as amended, be concurred in. Report adopted.

HB 422, be concurred in. Report adopted.
HB 457, third reading copy, be amended as follows:

1. Page 2.
Following: line 6
Insert: "NEW SECTION. Section 2. Coordination. If House Bill 99 is passed by the 48th Legislature and approved, the following further amendments are made in section 1:

(1) In the amended language of the last sentence, following "school year by", "1/90th" is replaced with "an amount equivalent to 2 days of such aid".

(2) In the amended language of the last sentence, following "school day less than", "180" is replaced with "the required number of"."

And, as amended, be concurred in. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 84, be concurred in. Report adopted.
HB 131, be concurred in. Report adopted.
HB 144, be concurred in. Report adopted.
HB 180, be concurred in. Report adopted.
HB 412, be concurred in. Report adopted.

JUDICIARY (Turnage, Chairman):
HB 234, be concurred in. Report adopted.
HB 502, be concurred in. Report adopted.
HB 616, third reading copy, be amended as follows:

1. Title, line 9.
Strike: "TO CANCEL A LEASE OR"
Insert: "SEEKING A REMEDY OR TO"

2. Page 1, line 17.
Strike: "— remedy for breach"

3. Page 1, lines 23 through 25.
Following: "contract."
Strike: remainder of line 23 through "cancellation." on line 1 of page 2

4. Page 2, line 3.
Strike: "INITIAL"

5. Page 2, line 4.
Strike: "90"
Insert: "180"

6. Page 2, lines 4 and 5.
Strike: "receipt of a signed royalty division order"
Insert: "oil or gas produced under the lease is marketed"

7. Page 2, line 11.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

8. Page 2, line 21.
Strike: "cancellation of a lease"
Insert: "a remedy"

9. Page 3, line 7.
Following: "minerals"
Insert: "or entitlement to royalties"

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
HB 263, be concurred in. Report adopted.
HB 391, third reading copy, be amended as follows:

1. Page 3, line 21.
Following: "be"
Strike: "based upon an"
Insert: "5% of the"

2. Page 3, line 23.
Strike: "no more often than"
Insert: "or decreased"

3. Page 3, lines 23 through 25.
Following: "by" on line 23
Strike: remainder of line 23 through "years" on line 25
Insert: "5% of the change in the appraised value"

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 51, be concurred in. Report adopted.
HB 67, be concurred in. Report adopted.
HB 375, third reading copy, be amended as follows:

1. Page 1, line 20.
Strike: "and buildings"

Insert: "The term also includes leases of buildings or other real property by the state or any agency thereof."

2. Page 2, line 25.
Following: "medicaid"
Insert: "or workers' compensation"

And, as amended, be concurred in. Report adopted.

HB 508, be concurred in. Report adopted.
HB 763, be concurred in. Report adopted.
HB 832, be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
HB 158, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Boylan, Brown, Crippen, Daniels, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hammond, Hazelbaker, Himsl, Lane, Lee, Lynch, Marbut, Mazurek, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 29

Noes: Berg, Blaylock, Christiaens, Conover, Dover, Eck, Fuller, Halligan, Jacobson, Keating, Kolstad, D. Manning, R. Manning, Mohar, Norman, Regan, Stimatz, Van Valkenburg.
Total 18

Excused: Thomas, Towe.
Total 2

Absent or not voting: Hager.
Total 1

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate bills concurred in and returned to the Senate: 3/7/83

SB 11, introduced by Smith

SB 79, introduced by Fuller, Harper, et al.

SB 91, introduced by Graham

SB 103, introduced by Ochsner, Lee, et al.

SB 121, introduced by Fuller, Bertelsen

SB 129, introduced by Fuller, J. Brown, et al.

SB 147, introduced by Lane

SB 162, introduced by Mazurek

SB 178, introduced by Van Valkenburg

SB 181, introduced by Halligan

SB 304, introduced by Blaylock

SJR 9, introduced by Mohar

House bill passed and transmitted to the Senate for concurrence: 3/7/83

HB 317, introduced by Devlin, Donaldson

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 3/7/83

SB 62, introduced by Turnage, et al.

SB 230, introduced by McCallum

SB 240, introduced by McCallum, et al.

SB 285, introduced by Christiaens, et al.

Senate bills not concurred in and returned to the Senate: 3/7/83

SB 133, introduced by Lynch, J. Jacobson

SB 258, introduced by Thomas, et al.

MOTIONS

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on SB 69. Motion carried.

The President appointed the following members:

Senator Aklestad, Chairman
Senator Crippen
Senator Fuller

FIRST READING OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 317, introduced by Devlin, Donaldson. Referred to Committee on Finance and Claims.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Regan in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 130 - That HB 130, third reading copy, be amended by adding the following statement of intent:

Statement of Intent
HB 130

A statement of intent is required for this bill because it gives the Board of Pharmacy the power to adopt rules authorizing persons to possess or sell imitation dangerous drugs.

It is the intention of the Legislature that the Board should, as it determines necessary, adopt rules authorizing such persons as pharmacists, law enforcement officers and physicians to possess or sell imitation dangerous drugs while acting within the scope of their employment. The rules should authorize possession for sale only by those persons who have bona fide reasons for possession for sale and should not purport to excuse otherwise criminal activity of any type.

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R.

Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

That HB 130, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

HB 110 - That HB 110 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

HB 166 - That HB 166 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

HB 266 - That HB 266 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

HB 402 - That HB 402 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

HB 615 - That HB 615 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

HB 657 - That HB 657 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

HB 672 - That HB 672 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

HJR 6 - That HJR 6 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.

Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Regan moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 14 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: D. Manning, Marbut, Story.
Total 3

HB 78 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

HB 142 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

HB 225 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Aklestad, Jacobson, Lynch.
Total 3

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

HB 227 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

HB 259 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Stimatz, Story, Turnage, Van Valkenburg, Mr. President.
Total 38

Noes: Aklestad, Etchart, Gage, Galt, Himsl, Kolstad, Lee, Shaw, Smith, Tveit.
Total 10

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

HB 268 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

HB 304 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

HB 346 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

HB 417 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

HB 423 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

HB 433 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

HB 481 concurred in as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Conover, Daniels, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 43

Noes: Berg, Christiaens, Crippen, Fuller, Lee.
Total 5

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

HB 486 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

HB 557 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: Shaw.
Total 1

HB 559 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Thomas, Towe.
Total 2

Absent or not voting: None.
Total 0

At the request of Senator Regan, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Regan moved that the Senate reconsider its action in adopting the adverse committee report on HB 158. Motion failed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Dover, Eck, Fuller, Goodover, Graham, Haffey, Hager, Halligan, Jacobson, Keating, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 25

Noes: Aklestad, Boylan, Brown, Crippen, Daniels, Elliott, Etchart, Gage, Galt, Hammond, Hazelbaker, Himsl, Kolstad, Lane, Lee, Lynch, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 25

Paired: Thomas, Towe, Ayes; Lynch, Turnage, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the Senate reconsider its action taken on HB 433 on third reading this day. Motion carried unanimously.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 5.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House, on 3/8/83, requested the return of SB 258, introduced by Thomas, et al., for further consideration.

MOTIONS

Senator Hazelbaker moved that the Senate accede to the request of the House and return SB 258 for further consideration. Motion carried unanimously.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 4:11 p.m., until Wednesday, March 9, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTY-FOURTH LEGISLATIVE DAY

Helena, Montana
March 9, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the fifty-third legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Himsl, Chairman):
HB 659, be concurred in. Report adopted.
HB 805, third reading copy, be amended as follows:

1. Page 1, line 21.
Following: "agency"
Insert: ", including any unit of the University System,"

2. Page 1, line 23.
Strike: "1"
Insert: "one"

And, as amended, be concurred in. Report adopted.

HB 861, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
HB 539, third reading copy, be amended as follows:

1. Title, line 11.
Following: "VEHICLES"
Insert: "NOT TRANSPORTING LIVESTOCK"

2. Page 3, line 4.
Strike: "five"

3. Page 3, line 5.
Strike: "percent allowance"
Insert: "tolerance"

4. Page 3, line 14.
Following: "5%"
Insert: "or 7% if the vehicle or combination of vehicles is transporting livestock"

5. Page 3, line 16.
Following: "5%"
Insert: "or 7% if the vehicle or combination of vehicles is transporting livestock"

6. Page 3, line 19.
Following: "5%"
Insert: "or 7% if the vehicle or combination of vehicles is transporting livestock"

7. Page 3, line 24.

Following: "5%"
Insert: "or 7% if the vehicle or combination of vehicles is transporting livestock"

8. Page 3, line 25.
Following: "5%"
Insert: "or 7% if the vehicle or combination of vehicles is transporting livestock"

And, as amended, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, Chairman):
HB 157, be concurred in. Report adopted.
HB 201, be concurred in. Report adopted.
HB 277, third reading copy, be amended as follows:

1. Title, line 8.
Following: line 8
Insert: "WHO ARE NOT CONTRACTING FOR AGRICULTURAL SERVICES TO BE PERFORMED ON A FARM OR RANCH"

2. Title, line 9.
Following: line 9
Insert: "REQUIRING EMPLOYERS TO POST SIGNS GIVING NOTICE OF EMPLOYER'S COVERAGE AND PROVIDING A FINE;"

3. Page 2, line 12.
Following: "contractors"
Strike: ";"
Insert: "and who are not contracting for agricultural services to be performed on a farm or ranch."

4. Page 2, line 23.
Following: "contractor"
Insert: "and who is not contracting for agricultural services to be performed on a farm or ranch"

5. Page 3, line 8.
Following: line 8
Insert: "(4) Each employer shall post a sign in the workplace at the locations where notices to employees are normally posted, informing employees about the employer's current provision of compensation insurance. A workplace is any location where an employee performs any work-related act in the course of employment regardless of whether the location is temporary or permanent and includes the place of business or property of a third person while the employer has access to or control over such place of business or property for the purpose of carrying on his usual trade, business, or occupation. The sign will be provided by the division, distributed through insurers or directly by the division, and posted by employers in accordance with rules adopted by the division. An employer who purposely or knowingly fails to post a sign as provided in this subsection is subject to a $50 fine for each citation."

6. Statement of intent, line 23.
Following: line 23
Insert: "It is also the intent of the Legislature that the Division will provide employers with signs and determine an economical and convenient method of distribution and disposal of such signs through insurers when the employer is properly covered under one of the

three compensation plans or when a policy is canceled in accordance with 39-71-2205, MCA, or through the Division directly when a policy is canceled in accordance with 39-71-2307, MCA, when self-insurance status is revoked in accordance with 39-71-2105, MCA, when an employer is exempt from coverage under this chapter, or when an employer lacks coverage and has been ordered to cease operations in accordance with 39-71-507, MCA, and that the Division will maintain procedures to control the distribution and disposal of such signs to prevent their improper use and to accommodate the changing coverage employers may have from time to time."

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 140, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 264, third reading copy, be amended as follows:

1. Page 2, line 12.
Following: line 11
Insert: "NEW SECTION. Section 2. Amount of credit — to whom available. (1) A resident individual taxpayer who completes installation of an energy system using a recognized nonfossil form of energy generation, as defined in 15-32-102, in such taxpayer's principal dwelling prior to December 31, 1986, or who acquires title to a dwelling prior to December 31, 1986, which dwelling is to be used as the taxpayer's principal dwelling and is equipped with an energy system for which the credit allowed by this part has never been claimed, is entitled to claim a tax credit in an amount equal to 10% of the first $1,000 and 5% of the next $3,000 of the cost of such system, including installation costs, less grants received or, if the federal government provides for a tax credit substantially similar in kind (not in amount), then a tax credit in an amount equal to 5% of the first $1,000 and 2 ½% of the next $3,000 of the cost of such system, including installation costs, less grants received against the income tax liability imposed against such taxpayer pursuant to chapter 30.

(2) If a credit is claimed under subsection (1) it may not also be claimed under [SB 283].

NEW SECTION. Section 3. Taxable years in which credit may be claimed — carryover. The tax credit is to be deducted from the taxpayer's income tax liability for the taxable year in which the energy system was acquired by the taxpayer. If the amount of the tax credit exceeds the taxpayer's income tax liability for the taxable year, the amount which exceeds the tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability. Notwithstanding the foregoing provision, no tax credit may be carried over for deduction after the fourth taxable year succeeding the taxable year in which the energy system was acquired.

NEW SECTION. Section 4. Codification instruction. Sections 2 and 3 are intended to be codified as an integral part of Title 15, chapter 32, part 2, and the provisions of Title 15, chapter 32, part 2, apply to sections 2 and 3.

NEW SECTION. Section 5. Coordination instruction. (1) If SB 283 is passed and approved, including the section that repeals 15-32-201 and 15-32-202, then sections 2, 3, and 4 of this act are effective.

(2) If SB 283 is not passed and approved or if passed and approved it does not repeal 15-32-201 and 15-32-202, then sections 2, 3, and 4 of this act are not effective."

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 286, be concurred in. Report adopted.

HB 466, third reading copy, be amended as follows:

1. Title, lines 6 and 7.
Following: "TRAILERS"
Strike: "WITH NOT MORE THAN 400 SQUARE FEET OF FLOOR SPACE"
Insert: "45 FEET OR LESS IN LENGTH AND 8 FEET OR LESS IN WIDTH"

2. Title, line 7.
Following: "~~PRINCIPAL~~"
Insert: "PRINCIPAL"

3. Page 1, line 13.
Following: "~~32~~"
Strike: "with 400 square"
Insert: "45"

4. Page 1, line 14.
Following: "~~8 feet~~"
Insert: "or less in length and 8 feet"
Following: "~~width~~"
Strike: "floor space"
Insert: "width"

5. Page 1, line 17.
Following: "~~principal~~"
Insert: "principal"

6. Page 2, line 21.
Following: "~~32 feet~~"
Strike: "400 square feet"
Insert: "8 feet in width or 45 feet"

7. Page 2, line 22.
Following: "~~length~~"
Strike: "floor space"
Insert: "length"

8. Page 2, lines 24 and 25.
Following: "up to"
Strike: "400 square feet in floor space"
Insert: "8 feet in width or 45 feet in length"

9. Page 2, line 25.
Following: "used as a"
Insert: "principal"

And, as amended, be concurred in. Report adopted.

HB 581, third reading copy, be amended as follows:

1. Page 2, line 15.
Strike: "received"

2. Page 2, line 16.
Strike: "during the fiscal year in which the levy applies"

And, as amended, be concurred in. Report adopted.

HB 644, be concurred in. Report adopted.
HB 658, be concurred in. Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate bills concurred in and returned to the Senate: 3/8/83

SB 61, introduced by Norman

SB 67, introduced by Keating

SB 73, introduced by B. Brown

SB 110, introduced by Towe, Norman

SB 148, introduced by Himsl, Blaylock

SB 149, introduced by Hammond, et al.

SB 153, introduced by Haffey, et al.

SB 163, introduced by Van Valkenburg

SB 168, introduced by Van Valkenburg

SB 189, introduced by Blaylock

SB 218, introduced by Van Valkenburg

SB 321, introduced by Turnage, et al.

SJR 4, introduced by Turnage, et al.

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 3/8/83

SB 132, introduced by Jacobson

SB 141, introduced by Gage

SB 177, introduced by Van Valkenburg

FIRST READING OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SJR 22, introduced by Conover, Crippen, Saunders, Spaeth, Graham, Boylan, Berg, Mohar, Hager, B. Brown, Halligan, R. Manning, Turnage. Referred to Committee on Highways and Transportation.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Ochsner in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 62 - That House amendments to SB 62 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 230 - That House amendments to SB 230 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 240 - That House amendments to SB 240 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 285 - That House amendments to SB 285 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 37 - That HB 37 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 229 - That HB 229, third reading copy, be amended as follows:

1. Page 4, line 6.
Following: "words"
Insert: ", unless one of such words or an abbreviation thereof is added at the end of the corporate name"

2. Page 9, line 14.
Following: "words"
Insert: ", unless one of such words or an abbreviation thereof is added at the end of the corporate name"

3. Page 10, line 22.
Following: "contains"
Insert: ", or there is added at the end of the name,"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan,

Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 229, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Hager.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 293 - That HB 293 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 361 - That HB 361 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 408 - That HB 408, third reading copy, be amended as follows:

1. Page 3.
Following: line 8
Insert: "(4) Providing, however, notwithstanding any other provisions of this section, any railroad may enter into an agreement with the appropriate railway labor organization authorizing the elimination of cabooses."

Amendment failed as follows:

Ayes: Dover, Goodover, Hager, Hazelbaker, Himsl, Keating.
Total 6

Noes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Graham, Haffey, Halligan, Hammond, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 42

Excused: None.
Total 0

Absent or not voting: Turnage, Tveit.
Total 2

That HB 408 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 47

Noes: Hazelbaker, Keating.
Total 2

Excused: None.
Total 0

Absent or not voting: Tveit.
Total 1

HB 577 - That HB 577 be concurred in. Motion carried as follows:

Ayes: Berg, Christiaens, Conover, Crippen, Daniels, Eck, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, D. Manning, Mazurek, Mohar, Ochsner, Thomas, Turnage, Van Valkenburg, Mr. President.
Total 26

Noes: Aklestad, Blaylock, Boylan, Dover, Gage, Hager, Hammond, Lane, Lee, Lynch, R. Manning, McCallum, Regan, Severson, Smith, Stimatz, Towe, Tveit.
Total 18

Excused: None.
Total 0

Absent or not voting: Brown, Elliott, Marbut, Norman, Shaw, Story.
Total 6

HB 656 - That consideration on HB 656 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Ochsner moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 123 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 125 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Aklestad, Hager.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 128 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 141 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 41

Noes: Aklestad, Elliott, Keating, Lee, Mohar, Ochsner, Shaw, Turnage, Van Valkenburg.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 181 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, D. Manning, R. Manning, Marbut,

Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Boylan, Lynch, Stimatz.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 223 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 244 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Daniels.
Total 1

HB 255 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 262 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 265 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Aklestad, Hammond.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 305 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 333 concurred in as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Blaylock, Mohar, Towe.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 338 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Daniels, Eck, Galt, Hazelbaker, Mohar, Regan, Shaw, Turnage.
Total 8

Excused: None.
Total 0

Absent or not voting: Keating.
Total 1

HB 339 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Himsl, Jacobson, Keating, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 41

Noes: Aklestad, Daniels, Galt, Hammond, Hazelbaker, Kolstad, Mohar, Turnage, Mr. President.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 433 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 448 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 460 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 483 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R.

Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator McCallum moved that HB 126 be taken from the Committee on Local Government and that it be referred to the Committee on Taxation. Motion carried unanimously.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly enrolled: SB 35, SB 122, SB 144, SB 156, SB 205.
Examined by the sponsor (Conover) and found to be correct: SB 35.
Examined by the sponsor (Eck) and found to be correct: SB 205.
Examined by the sponsor (Goodover) and found to be correct: SB 156.
Examined by the sponsor (Keating) and found to be correct: SB 122.
Examined by the sponsor (Turnage) and found to be correct: SB 144.
Signed by the President at 10:00 a.m., 3/9/83: SB 35, SB 122, SB 144, SB 156, SB 205, HB 39.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 4:25 p.m., until Thursday, March 10, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTY-FIFTH LEGISLATIVE DAY

Helena, Montana
March 10, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Pro Tempore Kolstad presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Stephens, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the fifty-fourth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Signed by the President at 10:00 a.m., 3/10/83: HB 7, HB 46, HB 59, HB 73, HB 85, HB 138, HB 159, HB 214, HB 216, HB 233, HB 289, HB 355, HB 432, HB 630, HJR 17.
Delivered to the Governor for his approval at 10:10 a.m., 3/10/83: SB 35, SB 122, SB 144, SB 156, SB 205.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
HB 851, be concurred in. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
HB 851

It is the intent of the legislature that the Department of Revenue work closely with agricultural associations and representatives of the agricultural community in developing administrative rules on the valuing of agricultural lands for property taxation. The Department may adopt administrative rules prior to the next legislative session so long as those rules are not implemented for taxation purposes prior to January 1, 1986.

The legislature further intends to review these rules in 1985 to ensure the Department has worked closely with the agricultural groups in developing rules and that those rules treat agricultural land fairly for purposes of property taxation in relation to the Montana Constitution, statutes, and other property.

First adopted by the Senate Agriculture, Livestock and Irrigation Committee on the 9th day of March, 1983.

BUSINESS AND INDUSTRY (Lee, Vice-Chairman):
HB 218, be concurred in. Report adopted.
HB 219, third reading copy, be amended as follows:

1. Page 2, line 1.
Following: "contains"
Insert: "or there is added at the end of the name"

2. Page 2, line 6.
Following: "contains"
Insert: "or there is added at the end of the name"

3. Page 2, line 10.
Following: "contains"

Insert: "or there is added at the end of the name"

And, as amended, be concurred in. Report adopted.

HB 267, third reading copy, be amended as follows:

1. Page 1, line 15.
Strike: "$75"
Insert: "$50"

And, as amended, be concurred in. Report adopted.

HB 498, be concurred in. Report adopted.
HB 578, third reading copy, be amended as follows:

1. Page 1, line 24.
Following: "person"
Insert: "or other entity"

2. Page 2, line 5.
Following: "person"
Insert: "or other entity"

3. Page 2, line 7.
Following: "this"
Insert: "or another"

4. Page 2, line 11.
Following: "this"
Insert: "or another"

5. Page 2, line 18.
Following: "THIS"
Insert: "or another"

6. Page 3, line 1.
Following: "this"
Insert: "or another"

And, as amended, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman):
HB 30, third reading copy, be amended as follows:

1. Page 4.
Following: line 8
Insert: "NEW SECTION. Section 3. Coordination instruction. If Senate Bill 358 is passed by the 48th Legislature and approved, sections 1 and 2 of this bill are void."
Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

HB 124, be concurred in. Report adopted.
HB 274, be concurred in. Report adopted.
HB 653, third reading copy, be amended as follows:

1. Title, line 8.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 2, line 9.
Following: "residence"
Strike: "is"

Insert: "and the trustees of the district in which the child wishes to attend school are"
Following: "approval"
Strike: "agent"
Insert: "agents"

3. Page 2, line 11.
Following: "approval"
Strike: "agent or"

4. Page 2, line 17.
Following: "approval"
Strike: "agent or"

5. Page 2, line 22.
Following: "approval"
Strike: "agent or"

6. Page 2, line 24.
Following: "approval"
Strike: "agent or"

7. Page 3, line 10.
Following: "by"
Strike: "the"
Insert: "one or more"

8. Page 3, line 11.
Following: "approval"
Strike: "agent or"

9. Page 3, line 15.
Following: "title."
Insert: "(5)"

10. Page 3, line 16.
Following: "by"
Insert: "all of"
Following: "the"
Insert: "applicable"

11. Page 7.
Following: line 10
Insert: "NEW SECTION. Section 3. Effective date. This act is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

HB 679, be concurred in. Report adopted.
HB 680, be concurred in. Report adopted.

JUDICIARY (Turnage, Chairman):
HB 194, be concurred in. Report adopted.
HB 250, third reading copy, be amended as follows:

1. Title, line 12.
Following: "DRUGS;"
Insert: "PROVIDING FOR JAIL TERMS OF CONSECUTIVE HOURS;"

2. Page 2, line 5.
Following: "days"
Insert: ", at least 48 hours of which must be served consecutively,"

3. Page 2, line 12.
Following: "90"
Insert: "30"
Following: "days"
Insert: ", at least 48 hours of which must be served consecutively,"

And, as amended, be concurred in. Report adopted.

HB 272, be concurred in. Report adopted.
HB 546, be concurred in. Report adopted.
HB 575, third reading copy, be amended as follows:

1. Title, line 7.
Following: "SECTIONS"
Insert: "39-71-743,"

2. Title, line 7.
Following: "71-3-1112"
Insert: ","

3. Page 2.
Following: line 8
Insert: "Section 3. Section 39-71-743, MCA, is amended to read:

"39-71-743. Assignment or attachment of payments. (1) No payment under this chapter shall be assignable, subject to attachment or garnishment or be held liable in any way for debts~~.~~, except as provided in 71-3-1118.

(2) After determination that the claim is covered under the Workers' Compensation Act or Occupational Disease Act of Montana, the liability for payment of the claim is the responsibility of the appropriate workers' compensation insurer. No fee or charge shall be payable by the injured worker for treatment of injuries sustained if liability is accepted by the insurer.""

And, as amended, be concurred in. Report adopted.

HB 619, be concurred in. Report adopted.
HJR 23, be concurred in. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
HB 164, be concurred in. Report adopted.
HB 208, be concurred in. Report adopted.
HB 298, be concurred in. Report adopted.
HB 319, third reading copy, be amended as follows:

1. Title, lines 4 and 5.
Strike: "REVISING THE PROVISIONS CONCERNING RURAL FIRE PROTECTION;"

2. Title, line 6.
Strike: "ORGANIZE COUNTY VOLUNTEER FIRE COMPANIES,"

3. Title, lines 7 through 10.
Following: "PROTECTION" on line 7
Strike: remainder of line 7 through "DUTIES" on line 10

4. Title, lines 10 and 11.
Following: "AMENDING" on line 10
Strike: "SECTIONS 7-33-2201 THROUGH 7-33-2203 AND 7-33-2208"

Insert: "SECTION 7-33-2202"

5. Title, line 11.
Following: "MCA;"
Strike: "REPEALING SECTION 7-33-2204, MCA;"

6. Page 1, lines 15 through 24.
Strike: section 1 in its entirety
Renumber: subsequent sections

7. Page 2, line 2.
Strike: "(1)"

8. Page 2, line 3.
Following: "shall"
Insert: "carry out the specific authorities and duties hereinafter imposed"

9. Page 2, line 5.
Following: "~~(1)~~"
Strike: "(a)"
Insert: "(1) The governing body shall"

10. Page 2, line 6.
Strike: "AND TRAINING"

11. Page 2, lines 7 through 10.
Following: "crews:" on line 7
Strike: remainder of line 7 through line 10
Insert: "."

12. Page 2, line 11.
Following: "~~(2)~~"
Strike: "(c)"
Insert: "(2) The governing body shall"

13. Page 2, line 12.
Following: "~~rural~~"
Strike: "county volunteer"
Insert: "district rural"

14. Page 2, line 13.
Strike: "company"
Following: "~~to~~"
Strike: "who shall be under"
Insert: "subject to"

15. Page 2, line 15.
Following: "~~considers~~"
Strike: "the county governing body considers"
Insert: "consider"
Following: "necessary:"
Strike: "; and"
Insert: "."

16. Page 2, line 16.
Following: "~~(3)~~"
Strike: "(d)"
Insert: "(3) The county governing body shall,"

17. Page 2, lines 18 and 19.
Strike: "rural structures and natural resources"
Insert: "range, farm, and forest lands"

18. Page 2, line 20.
Strike: "(2)"
Insert: "(4)"

19. Page 2.
Strike: sections 3 through 8 in their entirety
Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
HB 352, be concurred in. Report adopted.
HB 436, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
HB 299, be concurred in. Report adopted.
HJR 20, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 627, third reading copy, be amended as follows:

1. Page 2, line 4.
Following: "10"
Strike: remainder of line 4 through "DEPARTMENT" on line 5

And, as amended, be concurred in. Report adopted.

HB 693, be concurred in. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
HB 135, be concurred in. Report adopted.

Minority Report

Minority Committee members are:

Senator Shaw
Senator Lee
Senator Halligan
Senator Keating

HB 8, be concurred in. Thereupon, the minority committee report was adopted as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg.
Total 38

Noes: Aklestad, Crippen, Etchart, Goodover, Himsl, Kolstad, Mazurek, McCallum, Regan, Story, Turnage.
Total 11

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

JUDICIARY (Turnage, Chairman):
HB 642, third reading copy, be amended as follows:

1. Title, lines 4 and 5.

Following: "AN ACT"
Strike: "AUTHORIZING THE POSSESSION OF ANTIQUE SLOT MACHINES"
Insert: "AUTHORIZING UNDER CERTAIN CIRCUMSTANCES THE POSSESSION AND OPERATION OF CERTAIN ANTIQUE SLOT MACHINES; LIMITING THEIR OPERATION TO PRIVATE, RESIDENTIAL DWELLINGS; PROHIBITING THEIR POSSESSION, LOCATION, AND OPERATION IN ANY PUBLIC PREMISES BUT PERMITTING THEIR LOCATION FOR DISPLAY AND NOT FOR OPERATION IN A MUSEUM OWNED BY THE STATE, COUNTY, OR CITY; PROHIBITING THEIR OPERATION FOR ANY COMMERCIAL OR CHARITABLE PURPOSE"

2. Title, line 6.
Following: "AND"
Strike: "23-5-122"
Insert: "23-5-121"

3. Page 1.
Following: line 8
Insert: "THERE IS A NEW MCA SECTION THAT READS:

"Section 1. Possession and use of antique slot machines authorized — conditions. (1) The provisions of 23-5-104 and 23-5-121 do not apply to antique slot machines possessed, located, and used in accordance with this section. For the purposes of this section an antique slot machine is a slot machine manufactured prior to 1950, the operation of which is exclusively mechanical in nature and is not aided in whole or in part by any electronic means.

(2) Except as provided in subsection (3), antique slot machines may be possessed, located, and operated only in a private residential dwelling.

(3) Antique slot machines may be possessed or located for purposes of display only and not for operation in any public museum owned and operated by the state of Montana, or a county, or a city.

(4) No antique slot machine may be operated for any commercial or charitable purpose.""
Renumber: subsequent sections

4. Page 1, lines 10 and 11.
Strike: "— antiques exempt. (1)"
Insert: "."

5. Page 1, lines 11 and 12.
Strike: "subsection (2)"
Insert: "[section 1]"

6. Page 2, line 17.
Strike: subsection (2) in its entirety

7. Page 1.
Following: line 21
Strike: section 2 in its entirety
Insert: "Section 2. Section 23-5-121, MCA, is amended to read:

"23-5-121. Duty of peace officer to seize gambling implements and apparatus — exception. (1) It shall be the duty of every officer authorized to make arrests to seize every machine, apparatus, or

instrument answering to the description contained in this part or which may be used for the carrying on or conducting of any game or games mentioned in this part and to arrest the person actually or apparently in possession or control thereof or of the premises in which the same may be found, if any such person be present at the time of the seizure, and to bring the machine, apparatus, or instrument and the prisoner, if there be one, before a committing magistrate.

(2) This section does not apply to antique slot machines, the possession, location, or use of which is authorized by [section 1]."

NEW SECTION. Section 3. Codification instruction. Section 1 is intended to be codified as an integral part of Title 23, chapter 5, part 1, and the provisions of Title 23, chapter 5, apply to section 1."

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

March 10, 1983

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 53, 60, 63, 75, 151, 183, 216.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate bills concurred in and returned to the Senate: 3/9/83

SB 12, introduced by Jacobson

SB 128, introduced by Hazelbaker, et al.

SB 169, introduced by Van Valkenburg

SB 350, introduced by Tveit, et al.

SB 355, introduced by Ochsner, et al.

SB 356, introduced by Mohar, et al.

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 3/9/83

SB 196, introduced by Van Valkenburg, et al.

The House, on 3/9/83, acceded to the request of the Senate and appointed a conference committee to meet with a like committee from the Senate to confer on House amendments to SB 69.

The Speaker appointed the following members:

Representative Driscoll, Chairman
Representative Addy

Representative Thoft

The House, on 3/9/83, acceded to the request of the Senate and appointed a conference committee to meet with a like committee from the Senate to confer on House amendments to SB 48.

The Speaker appointed the following members:

Representative Brand, Chairman
Representative Driscoll
Representative Mueller

MOTIONS

Senator Turnage moved that consideration on HB 656 be passed. Motion carried unanimously.

Senator Hager moved that HB 539 be taken from second reading and that it be referred to the Committee on Rules. Motion carried unanimously.

Senator Tveit moved that HB 8 be taken from printing and that it be referred to the Committee on Natural Resources.

Senator Towe made a substitute motion that HB 8 be taken from printing and that it be referred to the Committee on Taxation. Motion failed as follows:

Ayes: Berg, Blaylock, Christiaens, Eck, Fuller, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Norman, Regan, Stimatz, Towe.
Total 16

Noes: Aklestad, Boylan, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Mohar, Ochsner, Severson, Shaw, Smith, Story, Thomas, Tveit, Van Valkenburg.
Total 30

Excused: Mr. President.
Total 1

Absent or not voting: Conover, Daniels, Turnage.
Total 3

The Senate reverted to the original motion by Senator Tveit that HB 8 be taken from printing and that it be referred to the Committee on Natural Resources. Motion carried unanimously.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 62, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 48

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: Fuller.
Total 1

SB 230, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: Daniels, Fuller.
Total 2

SB 240, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 48

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: Fuller.
Total 1

SB 285, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 46

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: Blaylock, Fuller, Regan.

Total 3

HB 110 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 48

Noes: Keating.
Total 1

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 130 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit.
Total 47

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: Daniels, Van Valkenburg.
Total 2

HB 166 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 266 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover,

Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 48

Noes: Aklestad.
Total 1

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 402 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 48

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: D. Manning.
Total 1

HB 615 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 657 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan,

Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 672 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HJR 6 concurred in as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 46

Noes: Berg, Hammond, Mohar.
Total 3

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Galt in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 132 - That House amendments to SB 132 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

SB 141 - That House amendments to SB 141 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

SB 177 - That House amendments to SB 177 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 51 - That HB 51 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 67 - That HB 67 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 84 - That HB 84, without objection, be moved to the bottom of the board.

HB 131 - That HB 131 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 144 - That HB 144, without objection, be moved to the bottom of the board.

HB 180 - That HB 180 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 224 - That HB 224 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 234 - That HB 234, third reading copy, be amended as follows:

1. Page 1, line 13.
Following: "capacity"
Insert: "during a regularly scheduled or special meeting of the school trustees"

Amendment passed as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 48

Noes: Berg.
Total 1

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

That consideration on HB 234 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 263 - That HB 263 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 273 - That HB 273 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 336 - That HB 336, third reading copy, be amended as follows:

1. Page 1.
Strike: lines 19 and 20 in their entirety
Insert: "enumerated in chapter 16, part 21, or chapter 34, part 22 or 23, of this title. Revenues from the project for which the bonds are issued are the only revenues upon which a lien under the provisions of 7-7-4431 shall apply. No lien shall attach to other revenues or other property within the county."

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

That HB 336, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 363 - That HB 363 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.

Total 1

Absent or not voting: None.
Total 0

HB 364 - That HB 364 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 375 - That HB 375 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 391 - That HB 391 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

Senator Etchart in the Chair.

HB 412 - That HB 412 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

Senator Galt in the Chair.

HB 422 - That HB 422 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 457 - That HB 457 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 502 - That HB 502 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 508 - That HB 508 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 509 - That HB 509 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 616 - That consideration on HB 616 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker,

Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 743 - That HB 743 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 763 - That HB 763 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 832 - That HB 832, third reading copy, be amended as follows:

1. Page 3.
Following: line 6
Insert: "Section 4. Coordination instruction. If House Bill No. 629 introduced in the 48th Legislature is not passed and approved, the date "November 1984" in section 3 of this act is changed to "November 8, 1983"."

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

Senator Tveit excused at this time.

That HB 832, as amended, being a Constitutional Amendment, be concurred in by the Senate pursuant to Rule 6-28. HB 832 advanced to third reading as follows:

Ayes: Berg, Conover, Crippen, Haffey, Kolstad, R. Manning, Marbut, Mohar, Norman, Severson, Stimatz, Thomas, Towe.
Total 13

Noes: Aklestad, Brown, Christiaens, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lane, Mazurek, McCallum, Ochsner, Regan, Shaw, Story, Turnage, Van Valkenburg.
Total 27

Excused: Tveit, Mr. President.
Total 2

Absent or not voting: Blaylock, Boylan, Daniels, Graham, Lee, Lynch, D. Manning, Smith.
Total 8

HJR 27 - That consideration on HJR 27 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 48

Noes: None.
Total 0

Excused: Tveit, Mr. President.
Total 2

Absent or not voting: None.
Total 0

HB 84 - That HB 84 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 48

Noes: None.
Total 0

Excused: Tveit, Mr. President.
Total 2

Absent or not voting: None.
Total 0

HB 144 - That HB 144 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 48

Noes: None.
Total 0

Excused: Tveit, Mr. President.
Total 2

Absent or not voting: None.
Total 0

HB 375 - That HB 375 be segregated from the Committee of the Whole report. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 48

Noes: None.
Total 0

Excused: Tveit, Mr. President.
Total 2

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President Pro Tempore in

the Chair. Chairman Galt moved the adoption of the committee report, as amended. Report adopted.

At the request of Senator Turnage, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Turnage moved that HB 832 be taken from third reading and that it be referred to second reading. Motion carried unanimously.

Senator Shaw moved that HB 234 be taken from second reading and that it be referred to the Committee on Judiciary. Motion carried unanimously.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):

Correctly enrolled: SB 11, SB 45, SB 79, SB 82, SB 88, SB 91, SB 100, SB 103, SB 121, SB 123, SB 129, SB 147, SB 162, SB 178, SB 181, SB 218, SB 220, SB 304, SB 326, SJR 4, SJR 6, SJR 8, SJR 9.

Examined by the sponsor (Blaylock) and found to be correct: SB 304, SB 326.

Examined by the sponsor (Daniels) and found to be correct: SB 220.

Examined by the sponsor (Fuller) and found to be correct: SB 79, SB 88, SB 121, SB 129.

Examined by the sponsor (Graham) and found to be correct: SB 91, SB 100.

Examined by the sponsor (Halligan) and found to be correct: SB 181.

Examined by the sponsor (Lane) and found to be correct: SB 147.

Examined by the sponsor (Lynch) and found to be correct: SB 82.

Examined by the sponsor (Marbut) and found to be correct: SB 123.

Examined by the sponsor (Mazurek) and found to be correct: SB 162, SJR 6.

Examined by the sponsor (Mohar) and found to be correct: SJR 9.

Examined by the sponsor (Ochsner) and found to be correct: SB 103.

Examined by the sponsor (Severson) and found to be correct: SJR 8.

Examined by the sponsor (Smith) and found to be correct: SB 11.

Examined by the sponsor (Stimatz) and found to be correct: SB 45.

Examined by the sponsor (Turnage) and found to be correct: SJR 4.

Examined by the sponsor (Van Valkenburg) and found to be correct: SB 178, SB 218.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 5:43 p.m., until Friday, March 11, 1983, at the hour of 3:00 p.m.

ALLEN C. KOLSTAD
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTY-SIXTH LEGISLATIVE DAY

Helena, Montana
March 11, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Pro Tempore Kolstad presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Stephens, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the fifty-fifth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly enrolled: SB 12, SB 61, SB 67, SB 73, SB 110, SB 128, SB 148, SB 149, SB 153, SB 168, SB 169, SB 189, SB 321, SB 350, SB 355, SB 356.
Examined by the sponsor (Blaylock) and found to be correct: SB 189.
Examined by the sponsor (Brown) and found to be correct: SB 73.
Examined by the sponsor (Haffey) and found to be correct: SB 153.
Examined by the sponsor (Hammond) and found to be correct: SB 149.
Examined by the sponsor (Hazelbaker) and found to be correct: SB 128.
Examined by the sponsor (Himsl) and found to be correct: SB 148.
Examined by the sponsor (Jacobson) and found to be correct: SB 12.
Examined by the sponsor (Keating) and found to be correct: SB 67.
Examined by the sponsor (Mohar) and found to be correct: SB 356.
Examined by the sponsor (Norman) and found to be correct: SB 61.
Examined by the sponsor (Ochsner) and found to be correct: SB 355.
Examined by the sponsor (Towe) and found to be correct: SB 110.
Examined by the sponsor (Turnage) and found to be correct: SB 321.
Examined by the sponsor (Tveit) and found to be correct: SB 350.
Examined by the sponsor (Van Valkenburg) and found to be correct: SB 168, SB 169.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 247, be concurred in. Report adopted.

FISH AND GAME (Smith, Chairman):
HB 434, third reading copy, be amended as follows:

1. Title, line 11.
Following: "MCA"
Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE"

2. Page 3, line 14.
Following: line 13
Insert: "NEW SECTION. Section 3. Effective date. This act is effective March 1, 1984."

And, as amended, be concurred in. Report adopted.

HB 541, third reading copy, be amended as follows:

1. Title, line 8.
Strike: "AND"
Following: "87-2-111,"

Insert: ", AND 87-2-202,"

2. Page 2, line 12.
Following: line 11
Insert: "(1)"

3. Page 4, line 5.
Following: line 4
Insert: "Section 5. Section 87-2-202, MCA, is amended to read:

"87-2-202. Application — stamp attachment — fee — expiration. (1) A wildlife conservation license shall be sold upon written application. The application shall contain the applicant's name, age, occupation, place of residence, post-office address, and length of time in the state of Montana; state whether the applicant is a citizen of the United States or an alien; and be subscribed by the applicant. The applicant shall present a driver's license or other identification to substantiate the information.

(2) Hunting, fishing or trapping licenses in the form of tags or stamps issued to a holder of a wildlife conservation license must be affixed to or recorded on the wildlife conservation license according to such rules as the department may prescribe.

(3) Resident and nonresident wildlife conservation licenses may be purchased for a fee of $2.

(4) Licenses issued shall be void after ~~April 30~~ the last day of February next succeeding their issuance.""

And, as amended, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
HB 441, third reading copy, be amended as follows:

1. Page 1, line 16.
Following: "state"
Insert: "or province"

And, as amended, be concurred in. Report adopted.

HB 437, third reading copy, be amended as follows:

1. Title.
Strike: line 10 in its entirety
Insert: "ESTABLISHING MAXIMUM LENGTH FOR TRAILERS AND SEMITRAILERS IN CERTAIN COMBINATIONS AND ALLOWING MAXIMUM LENGTH OF 75 FEET FOR OTHER COMBINATIONS WITHOUT SPECIAL PERMIT AND 95 FEET WITH SPECIAL PERMIT;"

2. Title, line 11.
Following: "SECTIONS"
Insert: "61-10-104,"

3. Title, line 12.
Following: "61-10-107"
Insert: ","

4. Page 1.
Following: line 14
Insert: "Section 1. Section 61-10-104, MCA, is amended to read:

"61-10-104. Length. (1) A single truck, bus or any self-propelled vehicle, unladen or with load, may not have an overall length, inclusive of front and rear bumpers, in excess of 40 feet.

(2) When used in a truck tractor-semitrailer combination, the semitrailer may not exceed 48 feet in length, excluding those portions not designed to carry a load, except as provided by 61-10-124. When used in a truck tractor-semitrailer-trailer combination, the semitrailer and trailer may not exceed 28 ½ feet each in length, excluding those portions not designed to carry a load, except as provided by 61-10-124. Truck tractor-semitrailer and truck tractor-semitrailer-trailer combinations are not subject to an overall combination length limit. ~~A combination of truck and trailer, tractor and semitrailer, tractor semitrailer, full trailer, or tractor semitrailer-semitrailer converted to a trailer by use of a dolly equipped with a fifth wheel.~~ All other combinations of vehicles may not have an overall length, inclusive of front and rear bumpers, in excess of ~~65~~ 75 feet, except as provided by 61-10-124. If the combination consists of more than two units, the rear units of the combination shall be equipped with breakaway brakes.

(3) A motor vehicle may not tow more than one motor vehicle, and a motor vehicle may not draw more than two motor vehicles attached to it by the dual saddle-mount method; that is, by mounting the front wheels of one vehicle on the bed of another, leaving only the rear wheels of the vehicle in contact with the roadway, nor may this combination have an overall length, inclusive of front and rear bumpers, in excess of 65 feet.

(4) A passenger vehicle or truck of less than 2,000 pounds "manufacturers rated capacity" may not tow more than one trailer or semitrailer, nor may this combination have an overall length, inclusive of front and rear bumpers, in excess of 65 feet.""

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 504, third reading copy, be amended as follows:

1. Page 2, line 9.
Following: "closure"
Insert: ", consolidation, or centralization"

2. Page 2, line 15.
Following: "closure,"
Insert: "consolidation, or centralization,"

And, as amended, be concurred in. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
HB 58, be concurred in. Report adopted.
HB 212, third reading copy, be amended as follows:

1. Title, line 8.
Following: "MILLS;"
Insert: "AND AUTHORIZING A GOVERNING BODY TO EXCEED THE MAXIMUM MILL LEVY FOR LIBRARY SERVICES UPON APPROVAL BY THE VOTERS;"

2. Page 1, line 23.
Following: line 22
Insert: "(2) (a) The governing body of any city or county may by resolution submit the question of exceeding the maximum tax levy

provided in subsection (1) to a vote of the qualified electors thereof at the next general election. Such resolution must be adopted at least 60 days prior to the general election at which the question will be voted on.

(b) Upon petition being filed with the governing body and signed by not less than 5% of the resident taxpayers of any city or county requesting an election for the purpose of exceeding the maximum mill levy, the governing body shall submit to a vote of the qualified electors thereof at the next general election the question of exceeding the maximum mill levy. Such petition must be delivered to the governing body at least 90 days prior to the general election at which the question will be voted on.

(c) The question shall be submitted by ballots upon which the words "FOR exceeding the ....mill maximum levy and authorizing an additional ....mill(s) for the library" and "AGAINST exceeding the ....mill maximum library levy" shall appear, with a square before each proposition and a direction to insert an "X" mark in the square before one or the other of the propositions.

(d) The votes cast for the adoption or rejection of the question must be canvassed, and:

(i) if a majority of the voters voting on the question vote to exceed the maximum mill levy, the governing body shall levy the additional tax for the year in which the vote was taken; or

(ii) if a majority of the voters voting on the question vote to not exceed the maximum mill levy, the maximum mill levy may not be exceeded."

Renumber: subsequent subsections

And, as amended, be concurred in. Report adopted.

HB 269, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 556, be concurred in. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
HB 675, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Haffey, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Marbut, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Van Valkenburg.
Total 35

Noes: Conover, Fuller, Graham, Halligan, Jacobson, Lee, Lynch, R. Manning, Mazurek, Mohar, Towe.
Total 11

Excused: Mr. President.
Total 1

Absent or not voting: Eck, D. Manning, Tveit.
Total 3

STATE ADMINISTRATION (Story, Chairman):
HB 781, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Conover, Crippen, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage.
Total 38

Noes: Berg, Christiaens, Eck, Fuller, Halligan, Mazurek, Regan, Van Valkenburg.
Total 8

Excused: Mr. President.
Total 1

Absent or not voting: Daniels, Dover, Tveit.
Total 3

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bill passed and transmitted to the Senate for concurrence: 3/10/83

HB 631, introduced by Schultz, et al.

Senate bills concurred in and returned to the Senate: 3/10/83

SB 22, introduced by Jacobson, et al.

SB 146, introduced by D. Manning, et al.

SB 180, introduced by Mazurek

SB 212, introduced by Fuller, et al.

SB 239, introduced by Keating, et al.

SB 245, introduced by D. Manning, et al.

SB 369, introduced by Graham, et al.

SJR 15, introduced by Turnage, et al.

SJR 18, introduced by E. Smith, et al.

The House, on 3/9/83, failed to concur in Senate amendments to HB 47 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 47.

The Speaker appointed the following members:

Representative Harper, Chairman
Representative Schultz
Representative Spaeth

The House, on 3/9/83, failed to concur in Senate amendments to HB 119 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 119.

The Speaker appointed the following members:

Representative Addy, Chairman
Representative Farris
Representative Mueller

The House, on 3/9/83, failed to concur in Senate amendments to HB 150 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 150.

The Speaker appointed the following members:

Representative Peck, Chairman
Representative D. Brown
Representative Iverson

Senate amendments to the statement of intent to House bill concurred in: 3/10/83

HB 488, introduced by Hemstad

Senate amendments to House bills concurred in: 3/10/83

HB 18, introduced by Harrington, et al.

HB 36, introduced by Stobie

HB 92, introduced by Stobie, et al.

HB 122, introduced by Addy, et al.

MOTIONS

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 47. Motion carried.

The President appointed the following members:

Senator Story, Chairman
Senator Marbut
Senator Thomas

Senator Lee moved that consideration on HB 577 on third reading be passed until Monday, March 14, 1983. Motion carried unanimously.

FIRST READING OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 631, introduced by Schultz, Stobie, Ryan, Underdal, C. Smith, Keyser, Bliss, D. Brown, Jones, Ernst. Referred to Committee on Taxation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 132, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 44

Noes: Himsl, Jacobson.
Total 2

Excused: Mr. President.
Total 1

Absent or not voting: D. Manning, Shaw, Tveit.

Total 3

SB 141, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 46

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: D. Manning, Shaw, Tveit.
Total 3

SB 177, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 48

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: D. Manning.
Total 1

HB 37 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 47

Noes: Mohar.
Total 1

Excused: Mr. President.
Total 1

Absent or not voting: D. Manning.
Total 1

HB 229 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 293 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 48

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: Story.
Total 1

HB 361 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 408 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.

Total 46

Noes: Gage, Hazelbaker, Keating.
Total 3

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Norman in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 375 - That HB 375, third reading copy, be amended as follows:

1. Page 3, line 5.
Following: "services"
Insert: "unless the delay was caused by a different agency, and then the interest must be paid from the administrative costs of that agency."

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

That HB 375, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 616 - That HB 616, without objection, be moved below HB 659.

HB 832 - That consideration on HB 832 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HJR 27 - That HJR 27 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

SB 196 - That House amendments to SB 196 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 124 - That HB 124 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 140 - That HB 140 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 157 - That HB 157 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.

Total 1

Absent or not voting: None.
Total 0

HB 201 - That HB 201 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 264 - That HB 264, without objection, be moved to the bottom of the board.

HB 277 - That HB 277, third reading copy, be amended as follows:

1. Amendment 1.
Following: "RANCH"
Insert: "OR FOR BROKER OR SALESMAN SERVICES TO BE PERFORMED IN A REAL ESTATE BUSINESS"

2. Amendment 3.
Following: "ranch"
Insert: "or for broker or salesman services performed under a license issued by the board of realty regulation"

3. Amendment 4.
Following: "ranch"
Insert: "or for broker or salesman services performed under a license issued by the board of realty regulation"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

That HB 277, as amended, be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 47

Noes: Aklestad, Hammond.
Total 2

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 286 - That HB 286 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 466 - That HB 466 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 581 - That HB 581 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 619 - That HB 619 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 644 - That HB 644 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 658 - That HB 658 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan,

Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 659 - That HB 659 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 616 - That HB 616, third reading copy, be amended as follows:

1. Page 2, line 6.
Following: "at"
Strike: remainder of line 6 through "year" on line 7
Insert: "the maximum rate of interest authorized under 31-1-107 from the date due"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

That HB 616, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 679 - That consideration on HB 679 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 680 - That HB 680 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 693 - That HB 693 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker,

Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 805 - That HB 805 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 861 - That HB 861 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HJR 20 - That HJR 20 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.

Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HJR 23 - That HJR 23 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

HB 264 - That HB 264 be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Keating, Lane, D. Manning, R. Manning, Mazurek, Mohar, Norman, Ochsner, Regan, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg.
Total 33

Noes: Aklestad, Daniels, Elliott, Etchart, Galt, Hammond, Himsl, Kolstad, Lee, Severson, Shaw, Story.
Total 12

Excused: Mr. President.
Total 1

Absent or not voting: Lynch, Marbut, McCallum, Tveit.
Total 4

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President Pro Tempore in the Chair. Chairman Norman moved the adoption of the committee report. Report adopted.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Turnage moved that HB 224 be taken from third reading and that it be referred to the Committee on Taxation. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: Mr. President.
Total 1

Absent or not voting: None.
Total 0

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BUSINESS AND INDUSTRY (Kolstad, Chairman):
HJR 18, be concurred in. Report adopted.

JUDICIARY (Turnage, Chairman):
HB 245, third reading copy, be amended as follows:

1. Page 1, line 14.
Following: "business."
Insert: "(1)"

2. Page 1, line 20.
Strike: "THE STATE OF MONTANA OR ANY PART thereof"
Insert: "the areas provided in subsection (2)"

3. Page 1, line 25.
Following: ":"
Insert: "(2) The agreement authorized in subsection (1) may apply in:

(a) the city where the principal office of the business is located;

(b) the county where the principal office of the business is located;

(c) a city in any county adjacent to the county in which the principal office of the business is located;

(d) any county adjacent to the county in which the principal office of the business is located; or

(e) any combination of the foregoing."

4. Page 2, lines 11 and 12.
Strike: "THE STATE OF MONTANA OR ANY PART THEREOF"
Insert: "the areas provided in 28-2-704(2)"

And, as amended, be concurred in. Report adopted.

HB 507, third reading copy, be amended as follows:

1. Page 1, line 20.
Strike: "$10"
Insert: "$7.50"

2. Page 1, line 22.

Strike: "$10"
Insert: "$7.50"

3. Page 1, line 24.
Strike: "$10"
Insert: "$7.50"

4. Page 2, line 1.
Strike: "$5"
Insert: "$7.50"

5. Page 2, lines 4 and 6.
Strike: "$10"
Insert: "$7.50"

6. Page 2, line 10.
Following: "for"
Strike: "filing"
Insert: "issuing"

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
HB 203, be concurred in. Report adopted.
HB 207, be concurred in. Report adopted.
HB 324, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
HB 337, be concurred in. Report adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 4:52 p.m., until Saturday, March 12, 1983, at the hour of 3:00 p.m.

ALLEN C. KOLSTAD
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
March 12, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Pro Tempore Kolstad presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Keating, Stephens, Tveit, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the fifty-sixth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly enrolled: SB 62, SB 163, SB 230, SB 240, SB 285, SB 369.
Examined by the sponsor (Christiaens) and found to be correct: SB 285.
Examined by the sponsor (Graham) and found to be correct: SB 369.
Examined by the sponsor (McCallum) and found to be correct: SB 230, SB 240.
Examined by the sponsor (Turnage) and found to be correct: SB 62.
Examined by the sponsor (Van Valkenburg) and found to be correct: SB 163.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
HB 662, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman):
HB 315, be concurred in. Report adopted.

FISH AND GAME (Smith, Chairman):
HB 94, be concurred in. Report adopted.
HB 764, be concurred in. Report adopted.

JUDICIARY (Turnage, Chairman):
HB 234, third reading copy, be amended as follows:

1. Page 1, line 13.
Following: "capacity"
Insert: "at a regular or special meeting of the board or a committee thereof"

And, as amended, be concurred in. Report adopted.

HB 429, third reading copy, be amended as follows:

1. Title, line 4.
Following: "TO"
Insert: "ALLOW CITIES AND TOWNS TO"

2. Page 1, line 15.
Following: "~~$25~~"
Strike: remainder of line 15 through "imprisonment" on line 17
Insert: "$25 or such greater fine or a term of imprisonment, or both, as the town or city may impose"

And, as amended, be concurred in. Report adopted.

HB 562, third reading copy, be amended as follows:

1. Title, line 6.
Strike: "AND"
Insert: ";"

2. Title, line 8.
Following: "OFFENSE;"
Insert: "PROVIDING FOR THE DEFENSE OF CONSENT;"

3. Page 1, lines 17 and 18.
Strike: ", whether or not" through "offense" on line 18

4. Page 1, lines 22 and 23.
Strike: ", without regard to the existence of an adoption"

5. Page 2.
Following: line 1
Insert: "(2) Consent is a defense under this section to incest with or upon a stepson or stepdaughter, but consent is ineffective if the victim is less than 18 years old."
Renumber: subsequent subsection

And, as amended, be concurred in. Report adopted.

HB 825, third reading copy, be amended as follows:

1. Page 3, line 21.
Following: "or"
Strike: "license"
Insert: "other interest"

2. Page 4, line 4.
Following: "taken,"
Strike: "it must appear"
Insert: "the plaintiff must show by a preponderance of the evidence"

3. Page 4, line 11.
Following: "(4)"
Strike: remainder of subsection
Insert: "that an effort to obtain the interest sought to be condemned was made by submission of a written offer and that such offer was rejected; and"

4. Page 5, line 2.
Following: "thereon."
Strike: remainder of line 2 through line 6

5. Page 7, line 22.
Following: "~~or judge~~"
Strike: "is satisfied"
Insert: "finds and concludes"

6. Page 8, line 1.
Strike: line 1 through "appear"
Insert: "plaintiff has met his burden of proof under 70-30-111"

7. Page 9.
Following: line 6
Insert: "(4) After a complaint as described in 70-30-203 is filed, and prior to the issuance of the preliminary condemnation order, all parties shall proceed as expeditiously as possible, but without prejudicing any party's position with all aspects of the preliminary condemnation proceeding including discovery and trial. The court shall give such proceedings expeditious and priority consideration."

8. Page 13, line 25.
Following: line 24
Strike: "answer"
Insert: "statement of claim of just compensation"

9. Page 14, line 11.
Following: line 10
Insert: "If the defendant fails to file a statement of claim of just compensation within 10 days as specified in 70-30-207, plaintiff may obtain a possession order provided for in this subsection subject to the condition subsequent that a plaintiff's payment into court shall be made within 10 days of receipt of the defendant's statement of claim."

And, as amended, be concurred in. Report adopted.

HJR 12, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 35, third reading copy, be amended as follows:

1. Page 4, line 13.
Following: "amended."
Strike: remainder of lines 13 through 16 in their entirety

And, as amended, be concurred in. Report adopted.

HB 83, third reading copy, be amended as follows:

1. Page 1, line 13.
Strike: "100"
Insert: "300"

And, as amended, be concurred in. Report adopted.

HB 169, third reading copy, be amended as follows:

1. Page 3, line 22.
Following: "agreement"
Insert: "to a tax sheltered annuity or deferred compensation program"

2. Page 3, line 24.
Strike: "UP TO A MAXIMUM OF $150 A MONTH"

3. Page 4, line 11.
Following: "year"
Insert: ", except that any termination pay, as defined in subsection (5)(b), received by the member is limited to the amount actually paid and is not the amount he would have earned had he completed the full year"

And, as amended, be concurred in. Report adopted.

HB 231, third reading copy, be amended as follows:

1. Page 6, line 21.
Strike: "19-3-704(1)(B)"
Insert: "19-13-704(1)(b)"

And, as amended, be concurred in. Report adopted.

HB 427, third reading copy, be amended as follows:

1. Page 2, line 3.

Strike: "The"
Insert: "(1) Except as provided in subsection (2), the"
Renumber: subsequent subsections as (a) through (d)

2. Page 2.
Following: line 25
Insert: "(2) The responsibilities of the director under this section do not apply to the office of the superintendent of public instruction, and that office is exempt from the requirements of this section."

And, as amended, be concurred in. Report adopted.

HB 490, third reading copy, be amended as follows:

1. Title, line 9.
Strike: "37-65-103,"

2. Page 2.
Following: line 16
Insert: "(6) "Public building" means any building which the state or any political subdivision thereof maintains for the use of the public."

3. Page 2, line 17 through page 4, line 17.
Strike: section 2 in its entirety
Renumber: subsequent sections

4. Page 4, line 22.
Strike: "of $25 a day"
Insert: "provided in 37-1-133"

5. Page 10, line 8.
Strike: "10"
Insert: "9"

6. Page 10, line 9.
Strike: "10"
Insert: "9"

And, as amended, be concurred in. Report adopted.

HB 514, be concurred in. Report adopted.
HB 626, be concurred in. Report adopted.
HB 691, third reading copy, be amended as follows:

1. Title, line 9.
Following: "EVENTS"
Insert: "; REPEALING SECTION 7-21-4212, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 16.
Following: "years"
Insert: ", and no member shall serve for more than 4 consecutive terms"

3. Page 8.
Following: line 24
Insert: "Section 14. Repealer. Section 7-21-4212, MCA, is repealed.

Section 15. Effective date. This act is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

HB 721, third reading copy, be amended as follows:

1. Page 3, line 20.
Following: "any"
Insert: "public or"

2. Page 3, lines 21 and 22.
Strike: "institution or public hospital or institution"
Insert: "other organization"

3. Page 4, lines 4 through 14.
Strike: subsection (6) in its entirety
Renumber: subsequent subsection

4. Page 5, line 25 and page 6, line 1.
Strike: "BY A HEALTH INSTITUTION"

5. Page 12, line 16.
Strike: "facility"
Insert: "participating health institution"

6. Page 14, line 7.
Strike: "convenants"
Insert: "covenants"

7. Page 14, line 16.
Following: "PERIOD"
Strike: remainder of line 16 through "them" on page 15, line 1

8. Page 16, line 15.
Strike: "eligible"
Insert: "participating"
Strike: "facility"
Insert: "institution"

9. Page 21, line 5.
Strike: "FACILITY"
Insert: "institution"

And, as amended, be concurred in. Report adopted.

HB 873, third reading copy, be amended as follows:

1. Title, line 11.
Following: "AGING"
Insert: "AND REQUIRING THE GOVERNOR TO APPOINT AN ADVISORY COUNCIL ON AGING AND A COORDINATOR ON AGING; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 17.
Following: line 16
Insert: "(2) The governor shall appoint an advisory council on aging. The council is composed of 11 members, a majority of whom must be 60 years of age or older. Members shall serve for 3-year terms. Vacancies must be filled by appointment for the unexpired term. The council is allocated to the governor's office for administrative purposes only."
Renumber: subsequent subsections

3. Page 1, line 18.
Strike: "FROM RECOMMENDATIONS FROM"
Insert: "after consultation with"

4. Page 1, line 20.
Following: line 19
Strike: subsection (3) in its entirety
Insert: "(4) The advisory council on aging shall act as the advisory board to the coordinator on aging."

5. Page 1, line 25.
Following: "shall"
Insert: ", with the advice and consent of the advisory council on aging,"

6. Page 2.
Following: line 9
Insert: "Section 3. Effective date. This act is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

HB 887, third reading copy, be amended as follows:

1. Page 1, line 16.
Following: "5-1-111"
Insert: "and before members of the house of representatives have been elected and qualified under the plan"

2. Page 1, line 17.
Strike: "involved"
Insert: "among which the signatures must be allocated"

3. Page 1, line 18.
Strike: "established in the plan"
Insert: "in existence when the plan was filed"

And, as amended, be concurred in. Report adopted.

HJR 26, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 492, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman):
HB 239, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: Keating, Tveit, Mr. President.
Total 3

Absent or not voting: None.
Total 0

JUDICIARY (Turnage, Chairman):
HB 220, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 46

Noes: Stimatz.
Total 1

Excused: Keating, Tveit, Mr. President.
Total 3

Absent or not voting: None.
Total 0

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens March 11, 1983
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measure this date:

Senate bill 268.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate bills concurred in and returned to the Senate: 3/11/83

SB 195, introduced by Crippen

SB 236, introduced by Crippen

SB 420, introduced by Thomas, et al.

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 3/11/83

SB 72, introduced by B. Brown

SB 127, introduced by Hazelbaker, et al.

SB 161, introduced by Turnage, et al.

SB 423, introduced by Turnage, et al.

SB 430, introduced by Halligan, et al.

Senate amendments to House bills concurred in: 3/11/83

HB 452, introduced by Daily, et al.

HB 486, introduced by Spaeth, et al.

HB 557, introduced by Sands

The House, on 3/10/83, failed to concur in Senate amendments to HB 225 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 225.

The Speaker appointed the following members:

Representative Dozier, Chairman
Representative Asay
Representative McCormick

The House, on 3/10/83, failed to concur in Senate amendments to HB 259 and appointed a free conference committee, requesting that the Senate appoint a like committee to confer on HB 259.

The Speaker appointed the following members:

Representative Menahan, Chairman
Representative O'Connell
Representative Ramirez

MOTIONS

Senator Dover moved that HJR 12 be taken from printing and that it be referred to the Committee on Natural Resources.

Senator Boylan moved to vote the previous question. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Severson, Smith, Story, Thomas, Turnage, Van Valkenburg.
Total 39

Noes: Eck, Mohar, Regan, Shaw, Stimatz, Towe.
Total 6

Excused: Keating, Tveit, Mr. President.
Total 3

Absent or not voting: Berg, Daniels.
Total 2

The Senate reverted to the original motion by Senator Dover that HJR 12 be taken from printing and that it be referred to the Committee on Natural Resources. Motion failed as follows:

Ayes: Dover, Elliott, Etchart, Galt, Hammond, Kolstad, Lee, McCallum, Shaw, Smith, Story.
Total 11

Noes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Eck, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Lane, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Stimatz, Thomas, Towe, Turnage, Van Valkenburg.
Total 34

Excused: Keating, Tveit, Mr. President.
Total 3

Absent or not voting: Daniels, Lynch.

Total 2

Senator Conover moved that the following name be added to the list of sponsors of SJR 22: Towe. Motion carried unanimously.

Senator Lee moved that HB 515, as amended, be taken from the Committee on Agriculture, Livestock and Irrigation and that it be referred to the Committee on Fish and Game. Motion failed as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Crippen, Daniels, Eck, Elliott, Etchart, Graham, Haffey, Jacobson, Kolstad, Lee, McCallum, Mohar, Smith, Stimatz, Towe.
Total 19

Noes: Aklestad, Brown, Conover, Dover, Fuller, Gage, Galt, Goodover, Hager, Halligan, Hammond, Hazelbaker, Himsl, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Norman, Ochsner, Regan, Severson, Shaw, Story, Thomas, Turnage, Van Valkenburg.
Total 28

Excused: Keating, Tveit, Mr. President.
Total 3

Absent or not voting: None.
Total 0

FIRST READING OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SJR 23, introduced by Goodover, Turnage, (By Request of the Senate Taxation Committee). Referred to Committee on Taxation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 196, House amendments, concurred in as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 44

Noes: Aklestad, Boylan, Hager.
Total 3

Excused: Keating, Tveit, Mr. President.
Total 3

Absent or not voting: None.
Total 0

HB 51 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, D. Manning, R. Manning, Marbut,

Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 45

Noes: None.
Total 0

Excused: Keating, Tveit, Mr. President.
Total 3

Absent or not voting: Lynch, Shaw.
Total 2

HB 67 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 46

Noes: Hammond.
Total 1

Excused: Keating, Tveit, Mr. President.
Total 3

Absent or not voting: None.
Total 0

HB 84 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 44

Noes: None.
Total 0

Excused: Keating, Tveit, Mr. President.
Total 3

Absent or not voting: Lynch, McCallum, Shaw.
Total 3

HB 131 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 45

Noes: None.
Total 0

Excused: Keating, Tveit, Mr. President.

Total 3

Absent or not voting: Crippen, Mohar.
Total 2

HB 144 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: Keating, Tveit, Mr. President.
Total 3

Absent or not voting: None.
Total 0

HB 180 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 42

Noes: Boylan, Dover, Ochsner, Shaw, Smith.
Total 5

Excused: Keating, Tveit, Mr. President.
Total 3

Absent or not voting: None.
Total 0

HB 263 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: Keating, Tveit, Mr. President.
Total 3

Absent or not voting: None.
Total 0

HB 273 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: Keating, Tveit, Mr. President.
Total 3

Absent or not voting: None.
Total 0

HB 336 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: Keating, Tveit, Mr. President.
Total 3

Absent or not voting: None.
Total 0

HB 363 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 46

Noes: Boylan.
Total 1

Excused: Keating, Tveit, Mr. President.
Total 3

Absent or not voting: None.
Total 0

HB 364 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 47

Noes: None.

Total 0

Excused: Keating, Tveit, Mr. President.
Total 3

Absent or not voting: None.
Total 0

HB 391 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: Keating, Tveit, Mr. President.
Total 3

Absent or not voting: None.
Total 0

HB 412 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 46

Noes: Shaw.
Total 1

Excused: Keating, Tveit, Mr. President.
Total 3

Absent or not voting: None.
Total 0

HB 422 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: Keating, Tveit, Mr. President.
Total 3

Absent or not voting: None.
Total 0

HB 457 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 46

Noes: Shaw.
Total 1

Excused: Keating, Tveit, Mr. President.
Total 3

Absent or not voting: None.
Total 0

HB 502 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: Keating, Tveit, Mr. President.
Total 3

Absent or not voting: None.
Total 0

HB 508 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: Keating, Tveit, Mr. President.
Total 3

Absent or not voting: None.
Total 0

HB 509 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning,

Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: Keating, Tveit, Mr. President.
Total 3

Absent or not voting: None.
Total 0

HB 743 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: Keating, Tveit, Mr. President.
Total 3

Absent or not voting: None.
Total 0

HB 763 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: Keating, Tveit, Mr. President.
Total 3

Absent or not voting: None.
Total 0

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Himsl in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 679 - That HB 679 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: Keating, Tveit, Mr. President.
Total 3

Absent or not voting: None.
Total 0

HB 832 - That HB 832, third reading copy, be amended as follows:

1. Page 1, line 25.
Following: "STOCK"
Insert: "only to the extent authorized by the legislature"

2. Page 2, line 13.
Following: "law"
Insert: "provided such investments must bear a fixed rate of interest unless a different rate is specifically authorized by statute"

Amendment failed as follows:

Ayes: Berg, Conover, Elliott, Fuller, Himsl, Jacobson, D. Manning, R. Manning, Marbut, Mohar, Norman, Stimatz, Towe.
Total 13

Noes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Crippen, Dover, Eck, Etchart, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Lane, Lee, Lynch, Mazurek, McCallum, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Turnage, Van Valkenburg.
Total 31

Excused: Keating, Tveit, Mr. President.
Total 3

Absent or not voting: Daniels, Graham, Kolstad.
Total 3

That HB 832, being a Constitutional Amendment, be concurred in by the Senate pursuant to Rule 6-28. HB 832 advanced to third reading as follows:

Ayes: Crippen, Etchart, Fuller, D. Manning, Marbut, Norman, Stimatz, Towe.
Total 8

Noes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Dover, Eck, Elliott, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Lane, Lee, Lynch, R. Manning, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Turnage, Van Valkenburg.
Total 36

Excused: Keating, Tveit, Mr. President.

Total 3

Absent or not voting: Daniels, Graham, Kolstad.
Total 3

HB 30 - That HB 30 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: Keating, Tveit, Mr. President.
Total 3

Absent or not voting: None.
Total 0

HB 135 - That HB 135 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Eck, Etchart, Fuller, Haffey, Hager, Halligan, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Smith, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 31

Noes: Boylan, Dover, Elliott, Gage, Galt, Goodover, Hammond, Hazelbaker, McCallum, Ochsner, Severson, Shaw, Turnage.
Total 13

Excused: Keating, Tveit, Mr. President.
Total 3

Absent or not voting: Daniels, Graham, Regan.
Total 3

HB 164 - That HB 164 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 47

Noes: None.
Total 0

Excused: Keating, Tveit, Mr. President.
Total 3

Absent or not voting: None.
Total 0

Senator Regan excused at 4:10 p.m.

HB 194 - That HB 194, third reading copy, be amended as follows:

1. Title, line 7.
Strike: "MAXIMUM"
Insert: "LEGAL"

Amendment passed as follows:

Ayes: Aklestad, Christiaens, Conover, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Marbut, Mazurek, McCallum, Norman, Ochsner, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Van Valkenburg.
Total 32

Noes: Berg, Blaylock, Boylan, Brown, Crippen, Lynch, R. Manning, Mohar, Severson, Towe.
Total 10

Excused: Keating, Regan, Tveit, Mr. President.
Total 4

Absent or not voting: Daniels, Galt, Lee, D. Manning.
Total 4

That HB 194, third reading copy, be further amended as follows:

1. Page 2, line 5.
Strike: "maximum"

2. Page 2, line 10.
Strike: "maximum"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 45

Noes: Mohar.
Total 1

Excused: Keating, Regan, Tveit, Mr. President.
Total 4

Absent or not voting: None.
Total 0

That HB 194, as amended, being a Constitutional Amendment, be concurred in by the Senate pursuant to Rule 6-28 and advance to third reading. Motion carried as follows:

Ayes: Aklestad, Berg, Conover, Crippen, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Kolstad, Lane, D. Manning, Marbut, Mazurek, McCallum, Ochsner, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage.
Total 31

Noes: Blaylock, Boylan, Brown, Christiaens, Etchart, Halligan, Jacobson, Lynch, R. Manning, Mohar, Van Valkenburg.
Total 11

Excused: Keating, Regan, Tveit, Mr. President.

Total 4

Absent or not voting: Daniels, Lee, Norman, Story.
Total 4

HB 208 - That HB 208 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 46

Noes: None.
Total 0

Excused: Keating, Regan, Tveit, Mr. President.
Total 4

Absent or not voting: None.
Total 0

HB 218 - That HB 218 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 46

Noes: None.
Total 0

Excused: Keating, Regan, Tveit, Mr. President.
Total 4

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President Pro Tempore in the Chair. Chairman Himsl moved the adoption of the committee report. Report adopted.

Senator Hazelbaker moved that the Senate recess at 4:53 p.m. Motion carried.

Senate resumed at 5:02 p.m.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Himsl in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 219 - That consideration on HB 219 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 46

Noes: None.
Total 0

Excused: Keating, Regan, Tveit, Mr. President.
Total 4

Absent or not voting: None.
Total 0

HB 250 - That consideration on HB 250 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 46

Noes: None.
Total 0

Excused: Keating, Regan, Tveit, Mr. President.
Total 4

Absent or not voting: None.
Total 0

HB 267 - That HB 267 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 46

Noes: None.
Total 0

Excused: Keating, Regan, Tveit, Mr. President.
Total 4

Absent or not voting: None.
Total 0

HB 272 - That HB 272 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Dover, Eck, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Lane, Lynch, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Shaw, Smith, Thomas, Towe, Turnage, Van Valkenburg.
Total 33

Noes: Boylan, Elliott, Severson.
Total 3

Excused: Keating, Regan, Tveit, Mr. President.
Total 4

Absent or not voting: Crippen, Daniels, Galt, Hammond, Kolstad, Lee, D. Manning, Marbut, Stimatz, Story.
Total 10

HB 274 - That HB 274 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 46

Noes: None.
Total 0

Excused: Keating, Regan, Tveit, Mr. President.
Total 4

Absent or not voting: None.
Total 0

HB 298 - That HB 298 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 46

Noes: None.
Total 0

Excused: Keating, Regan, Tveit, Mr. President.
Total 4

Absent or not voting: None.
Total 0

HB 299 - That HB 299 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 46

Noes: None.
Total 0

Excused: Keating, Regan, Tveit, Mr. President.
Total 4

Absent or not voting: None.

Total 0

Senator Jacobson excused at 5:20 p.m.

HB 319 - That HB 319, third reading copy, be amended as follows:

1. Page 2, line 15.
Following: "considers"
Strike: "the county governing body"
Insert: "it"
Following: "necessary."
Strike: "; and"
Insert: "."

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 45

Noes: None.
Total 0

Excused: Jacobson, Keating, Regan, Tveit, Mr. President.
Total 5

Absent or not voting: None.
Total 0

That HB 319, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 45

Noes: None.
Total 0

Excused: Jacobson, Keating, Regan, Tveit, Mr. President.
Total 5

Absent or not voting: None.
Total 0

HB 352 - That HB 352 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 45

Noes: None.

Total 0

Excused: Jacobson, Keating, Regan, Tveit, Mr. President.
Total 5

Absent or not voting: None.
Total 0

HB 498 - That HB 498 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 45

Noes: None.
Total 0

Excused: Jacobson, Keating, Regan, Tveit, Mr. President.
Total 5

Absent or not voting: None.
Total 0

HB 546 - That HB 546 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 45

Noes: None.
Total 0

Excused: Jacobson, Keating, Regan, Tveit, Mr. President.
Total 5

Absent or not voting: None.
Total 0

HB 575 - That HB 575 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 45

Noes: None.
Total 0

Excused: Jacobson, Keating, Regan, Tveit, Mr. President.
Total 5

Absent or not voting: None.
Total 0

HB 578 - That HB 578 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 45

Noes: None.
Total 0

Excused: Jacobson, Keating, Regan, Tveit, Mr. President.
Total 5

Absent or not voting: None.
Total 0

HB 627 - That consideration on HB 627 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 45

Noes: None.
Total 0

Excused: Jacobson, Keating, Regan, Tveit, Mr. President.
Total 5

Absent or not voting: None.
Total 0

HB 653 - That HB 653 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 45

Noes: None.
Total 0

Excused: Jacobson, Keating, Regan, Tveit, Mr. President.
Total 5

Absent or not voting: None.
Total 0

HB 851 - That HB 851 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut,

Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 45

Noes: None.
Total 0

Excused: Jacobson, Keating, Regan, Tveit, Mr. President.
Total 5

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President Pro Tempore in the Chair. Chairman Himsl moved the adoption of the committee report. Report adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 5:41 p.m., until Monday, March 14, 1983, at the hour of 3:00 p.m.

ALLEN C. KOLSTAD
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
March 14, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Graham, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the fifty-seventh legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):

Correctly enrolled: SB 22, SB 132, SB 141, SB 146, SB 180, SB 212, SB 239.

Examined by the sponsor (Fuller) and found to be correct: SB 212.

Examined by the sponsor (Gage) and found to be correct: SB 141.

Examined by the sponsor (Jacobson) and found to be correct: SB 22, SB 132.

Examined by the sponsor (Keating) and found to be correct: SB 239.

Examined by the sponsor (D. Manning) and found to be correct: SB 146.

Examined by the sponsor (Mazurek) and found to be correct: SB 180.

Signed by the President at 1:30 p.m., 3/14/83: HB 14, HB 110, HB 227.

Signed by the President at 2:00 p.m., 3/14/83: SB 11, SB 12, SB 45, SB 61, SB 62, SB 67, SB 73, SB 79, SB 82, SB 88, SB 91, SB 100, SB 103, SB 110, SB 121, SB 123, SB 128, SB 129, SB 147, SB 148, SB 149, SB 153, SB 162, SB 163, SB 168, SB 169, SB 178, SB 181, SB 189, SB 218, SB 220, SB 230, SB 240, SB 285, SB 304, SB 321, SB 326, SB 350, SB 355, SB 356, SB 369, HB 78, HB 116, HB 123, HB 142, HB 152, HB 167, HB 173, HB 255, HB 262, HB 265, HB 268, HB 276, HB 287, HB 304, HB 305, HB 333, HB 339, HB 346, HB 353, HB 417, HB 423, HB 481, HB 520, HB 559, SJR 4, SJR 6, SJR 8, SJR 9, HJR 2, HJR 15.

Signed by the President at 4:00 p.m., 3/14/83: HB 18, HB 92, HB 125, HB 128, HB 141, HB 181, HB 223, HB 244, HB 338, HB 433, HB 483, HB 488.

Delivered to the Governor for his approval at 2:45 p.m., 3/14/83: SB 11, SB 45, SB 79, SB 82, SB 88, SB 91, SB 100, SB 103, SB 121, SB 123.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):

Respectfully report as follows:

That the following attaches of the Senate be employed as of 8:00 a.m. on Monday, March 14, 1983:

Rhonda Benson.....Page
Brenda Jo Graham.....Page
Kimberly Hannon.....Page
Julie Parker.....Page
Kristin Parker.....Page
Shane Sanders.....Page
Lisa Stimatz.....Page
Judi Thompson.....Page

And that the following attaches of the Senate be terminated as of 5:00 p.m. on Saturday, March 12, 1983:

Mark Burningham.....Page
Wanda Iverson.....Page
LeAnn Johnson.....Page
Pat Murphy.....Page
Kelly Nisbet.....Page
Stephen Ore.....Page
Andrea Phillips.....Page
Kimberly Stevenson.....Page
Bridget Cavanaugh.....Page

Report adopted.

BUSINESS AND INDUSTRY (Lee, Vice-Chairman):
HB 464, be concurred in. Report adopted.
HB 670, be concurred in. Report adopted.
HB 696, be concurred in. Report adopted.

JUDICIARY (Turnage, Chairman):
HB 489, be concurred in. Report adopted.
HB 505, be concurred in. Report adopted.
HB 530, be concurred in. Report adopted.
HB 531, be concurred in. Report adopted.
HB 532, be concurred in. Report adopted.
HB 533, be concurred in. Report adopted.
HB 660, third reading copy, be amended as follows:

1. Title, line 8.
Following: "COURT"
Insert: "AND BY WHICH A PERSON AGAINST WHOM A COMPLAINT WAS FILED MAY ELECT TO HAVE THE MATTER REMOVED TO DISTRICT COURT"

2. Page 1, lines 13 through 14.
Following: "of"
Strike: "the complainant,"
Insert: "either party,"

3. Page 1, lines 17 through 23.
Following: "49-2-505"
Strike: remainder of line 17 through line 23 in their entirety
Insert: "and has determined that it will be unable to hold a contested case hearing within 12 months of the date the complaint was filed under 49-2-501; and

(b) 180 days have elapsed since the complaint was filed and the efforts of the commission staff to settle the complaint after informal investigation pursuant to 49-2-504 have been unsuccessful."

4. Page 1, line 25.
Following: "(1),"
Strike: "a"
Insert: "the"
Following: "complainant"
Strike: "may"
Insert: "shall"

5. Page 2, line 2.
Following: "relief."

Insert: "If the claimant fails to petition the District Court within 90 days after receipt of a letter issued by the Commission, the claim shall be barred."

And, as amended, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, Chairman):
HB 270, be concurred in. Report adopted.
HB 554, be concurred in. Report adopted.
HB 568, be concurred in. Report adopted.
HB 623, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Boylan, Conover, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 26

Noes: Berg, Blaylock, Christiaens, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Kolstad, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 22

Excused: Graham.
Total 1

Absent or not voting: Brown.
Total 1

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate bills concurred in and returned to the Senate: 3/12/83

SB 4, introduced by Mazurek

SB 70, introduced by Eck, Norman

SB 158, introduced by B. Brown

SB 226, introduced by Crippen

SB 291, introduced by Eck, Metcalf

SB 308, introduced by Regan, Blaylock

Senate amendments to House bills concurred in: 3/12/83

HB 190, introduced by Asay, et al.

HB 448, introduced by Bardanouve

MOTIONS

Senator Towe moved that HB 299 be taken from third reading and that it be printed and placed on second reading. Motion carried unanimously.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Crippen in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 219 - That HB 219, third reading copy, be amended as follows:

1. Page 1, line 23.
Strike: subsections 2 and 3 in their entirety
Renumber: subsequent subsection

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That HB 219, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 250 - That HB 250, third reading copy, be amended as follows:

1. Page 2, line 12.
Strike: "90"
Insert: "30"
Following: "days"
Insert: ", at least 48 hours of which must be served consecutively,"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

That HB 250, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Kolstad, Lee, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Smith, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 38

Noes: Blaylock, Etchart, Haffey, Hammond, Keating, Lane, Lynch, Norman, Shaw, Stimatz, Tveit.
Total 11

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 627 - That HB 627 be concurred in. Motion carried as follows:

Ayes: Berg, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 38

Noes: Aklestad, Boylan, Dover, Galt, Keating, Mohar.
Total 6

Excused: Graham.
Total 1

Absent or not voting: Blaylock, Haffey, Severson, Shaw, Thomas.
Total 5

SB 72 - That House amendments to SB 72 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.

Total 1

Absent or not voting: None.
Total 0

SB 127 - That House amendments to SB 127 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

SB 161 - That House amendments to SB 161 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

SB 423 - That House amendments to SB 423 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

SB 430 - That House amendments to SB 430 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 58 - That HB 58 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 203 - That HB 203 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 207 - That HB 207 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 212 - That HB 212 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 245 - That HB 245 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 247 - That HB 247 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 269 - That HB 269 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 324 - That HB 324 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 337 - That HB 337 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson,

Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 434 - That HB 434 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 436 - That HB 436 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 437 - That HB 437 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Daniels, Marbut, Regan, Turnage.

Total 4

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 441 - That HB 441 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 504 - That HB 504 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Eck, Elliott, Fuller, Gage, Galt, Goodover, Haffey, Halligan, Hazelbaker, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 38

Noes: Dover, Etchart, Hager, Hammond, Himsl, Keating, Ochsner, Severson, Shaw, Tveit.
Total 10

Excused: Graham.
Total 1

Absent or not voting: Daniels.
Total 1

HB 507 - That HB 507, without objection, be moved to the bottom of the board.

HB 541 - That HB 541 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.

Total 1

Absent or not voting: None.
Total 0

HB 556 - That HB 556 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 642 - That HB 642 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 781 - That HB 781 be not concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 44

Noes: Eck, Regan, Van Valkenburg.
Total 3

Excused: Graham.
Total 1

Absent or not voting: Halligan, D. Manning.
Total 2

HB 781, being a Constitutional Amendment, advanced to third reading pursuant to Rule 6-28.

HB 58 - That HB 58 be segregated from the Committee of the Whole report. Motion carried as follows:

Ayes: Aklestad, Boylan, Brown, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, Mohar, Ochsner, Severson, Shaw, Story, Turnage, Mr. President.
Total 25

Noes: Berg, Blaylock, Christiaens, Conover, Crippen, Eck, Fuller, Haffey, Halligan, Lane, Lynch, D. Manning, R. Manning, Mazurek, Norman, Regan, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg.
Total 22

Excused: Graham.
Total 1

Absent or not voting: Jacobson, McCallum.
Total 2

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Crippen moved the adoption of the committee report, as amended. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 124 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Gage, Shaw.
Total 2

Excused: Graham.
Total 1

Absent or not voting: Severson.
Total 1

HB 140 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 41

Noes: Aklestad, Galt, Goodover, Hammond, Keating, Lee, Shaw, Van Valkenburg.

Total 8

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 157 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: Thomas.
Total 1

HB 201 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 264 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Eck, Fuller, Gage, Goodover, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 36

Noes: Daniels, Dover, Elliott, Etchart, Galt, Hammond, Keating, Ochsner, Severson, Shaw, Smith, Tveit, Mr. President.
Total 13

Excused: Graham.
Total 1

Absent or not voting: None.

Total 0

HB 277 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Dover, Hammond.
Total 2

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 286 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Aklestad, Severson, Shaw.
Total 3

Excused: Graham.
Total 1

Absent or not voting: Story.
Total 1

HB 375 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Eck, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Norman, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 38

Noes: Aklestad, Daniels, Dover, Elliott, Hammond, Himsl, McCallum, Mohar, Ochsner, Shaw, Turnage.
Total 11

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 466 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl,

Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 577 concurred in as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Lane, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Mr. President.
Total 36

Noes: Aklestad, Boylan, Fuller, Hammond, Keating, Kolstad, Lee, Lynch, Ochsner, Regan, Severson, Towe, Van Valkenburg.
Total 13

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 581 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 616 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 619 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 45

Noes: Halligan, Mohar, Van Valkenburg.
Total 3

Excused: Graham.
Total 1

Absent or not voting: Kolstad.
Total 1

HB 644 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 658 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 659 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 680 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 693 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 805 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HB 861 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HJR 20 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HJR 23 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek,

McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Brown.
Total 1

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

HJR 27 concurred in as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Aklestad, Boylan, Elliott, McCallum, Shaw.
Total 5

Excused: Graham.
Total 1

Absent or not voting: None.
Total 0

At the request of Senator Goodover, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Goodover moved that HB 58 be taken from second reading and that it be referred to the Committee on Taxation. Motion carried unanimously.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 5:07 p.m., until Tuesday, March 15, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

FIFTY-NINTH LEGISLATIVE DAY

Helena, Montana
March 15, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Daniels, Tveit, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the fifty-eighth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):

Signed by the President at 10:30 a.m., 3/15/83: SB 22, SB 132, SB 141, SB 146, SB 180, SB 212, SB 239.

Delivered to the Governor for his approval at 9:00 a.m., 3/15/83: SB 129, SB 147, SB 162, SB 178, SB 181, SB 218, SB 220, SB 304.

Delivered to the Governor for his approval at 11:10 a.m., 3/15/83: SB 12, SB 61, SB 67, SB 73, SB 110, SB 128, SB 148, SB 149, SB 168, SB 169, SB 189, SB 321, SB 350, SB 355, SB 356.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):

HB 349, third reading copy, be amended as follows:

1. Page 1, line 6.
Following: "LAWS;"
Insert: "TO ESTABLISH A CONSERVATION PRACTICE LOAN PROGRAM;"

2. Page 1, line 7.
Following: "76-15-319,"
Insert: "76-15-501,"

3. Page 1, line 8.
Following: "76-15-502,"
Insert: "76-15-512,"

4. Page 1, line 8.
Following: "76-15-523,"
Insert: "76-15-524, 76-15-527,"

5. Page 8.
Following: line 10
Insert: "NEW SECTION. Section 11. Conservation practice loan program. (1) A conservation district may establish and administer a conservation practice loan program pursuant to [sections 11 through 17].

(2) A conservation practice loan may be made to a land occupier who is an agriculture producer within the exterior boundaries of the district. The conservation practice must be constructed, operated, developed, and maintained within the district.

(3) A conservation practice is the construction, operation, development, or maintenance of an erosion control and prevention operation, a work of improvement for flood prevention, and the

conservation, development, use, and disposal of water within a district in furtherance of the purposes and policies of this chapter. Conservation practices include those practices pertaining to acceptable land use conversion as determined by a majority of the district supervisors with the advice of the United States soil conservation service.

NEW SECTION. Section 12. Conservation practice loan account. (1) The supervisors of a district may allocate a portion of the regular assessment for each fiscal year to a segregated and separate conservation practice loan account within the treasury of the principal county for the purpose of providing funds for conservation practice loans.

(2) Conservation practice loan repayments, including principal and interest, and administrative fees or charges for loans must be deposited in the conservation practice loan account.

(3) The funds in the conservation practice loan account may be used for conservation practice loans and for the administrative expenses of a conservation practice loan program.

NEW SECTION. Section 13. Application for loan. (1) An application for a loan must be in the form prescribed by the district supervisors and contain or be accompanied by any information necessary to adequately describe the proposed conservation practice and necessary for evaluation of the proposed conservation practice under the criteria contained in [sections 14 and 15].

(2) The application must include a conservation plan, which may be prepared in consultation with the United States soil conservation service.

NEW SECTION. Section 14. Eligibility for loan. A district may award a loan to a land occupier to finance a conservation practice only if a majority of the district supervisors find, based on the application and the supervisors' investigation and evaluation of the proposal, that:

(1) the conservation practice will be economically feasible;

(2) the conservation practice will comply with statutory and regulatory standards protecting the quality of resources such as air, water, land, fish, wildlife, and recreational opportunities;

(3) the applicant has adequate financial resources to construct, operate, develop, and maintain the conservation practice; and

(4) the applicant is credit-worthy and is able and willing to enter into a contract with the district for loan repayment and for construction, operation, development, and maintenance of the proposed conservation practice.

NEW SECTION. Section 15. Criteria for evaluation of loan applicants — preferences. (1) The district supervisors shall apply the following criteria in ranking applications for a conservation practice loan that is eligible for funding under [section 14]:

(a) the extent and desirability of the conservation need and resource benefit as determined in the district's annual and long-range plans;

(b) the feasibility and practicality of the project;

(c) the number of related resources that will benefit, including but not limited to water quality, wildlife habitat, and recreation;

(d) the extent and desirability of associated public benefits in addition to any private benefits the project or activity may provide; and

(e) any other factor that, in the district supervisors' judgment, is important to the evaluation of the conservation practice in light of the purposes, policies, and objectives of this chapter.

(2) Among applications for a loan in which the proposed conservation practices are substantially equal in ranking under subsection (1), a district shall give preference to:

(a) applicants who have not previously received a conservation practice loan; and

(b) applications for a group or cooperative conservation practice.

NEW SECTION. Section 16. Terms and conditions of loan. A conservation practice loan is subject to the following terms and conditions:

(1) The district shall obtain such security interest in real estate as would be obtained by a reasonable, careful, and prudent lender.

(2) The term of the loan may not be greater than the life of the project, and in no case may it exceed 30 years.

(3) A current appraisal of real estate offered as security and a commitment for title insurance on that land must be secured by the borrower at his expense. All costs incident to the loan and loan closing, other than administrative costs of the district, must be paid by the borrower.

(4) A conservation practice must be completed according to United States soil conservation service standards and specifications, if applicable.

NEW SECTION. Section 17. Rules. The district shall adopt rules in accordance with the Montana Administrative Procedure Act:

(1) prescribing the form and content of applications for loans and plans for the resource conservation practice;

(2) governing the application of the criteria and preferences for awarding loans;

(3) providing for the servicing of loans, including arrangements for obtaining security interests and the establishment of reasonable fees or charges;

(4) providing for the confidentiality of financial statements submitted;

(5) prescribing the conditions for making loans;

(6) establishing the interest rate for the loans; and

(7) determining the type and amount of security interest in real estate that will be accepted and any conditions to be made upon the security interest.

Section 18. Section 76-15-501, MCA, is amended to read:

"76-15-501. Financial management. A conservation district and the supervisors thereof shall have the power to:

(1) borrow money and incur indebtedness and issue bonds or other evidence of such indebtedness;

(2) also refund or retire an indebtedness or lien that may exist against the district or property thereof;

(3) fix and revise as necessary and collect rates, fees, tolls, rents, or other charges for the use of or for services, facilities, and materials furnished or provided, and revenues from these sources may be expended in carrying out the purposes and provisions of this chapter;

(4) cause taxes to be levied in the same manner provided for in this part for the purpose of paying any obligation of the district and to accomplish the purposes of this chapter in the manner herein provided;

(5) apply for and receive federal revenue sharing funds in order to carry out the purposes and provisions of this chapter;

(6) establish a conservation practice loan program as provided in this part."

Section 19. Section 76-15-512, MCA, is amended to read:

"76-15-512. Expenses to be covered by estimate. The total amount of the estimate shall be sufficient to raise the amount of money necessary during the ensuing year to pay the incidental expenses of the district and to fund a conservation practice loan program in those districts having elected to establish such a program."

Section 20. Section 76-15-524, MCA, is amended to read:

"76-15-524. Receipt and crediting of district funds — responsibility on bond. The treasurer of the principal county shall receive and receipt for all county tax money of the district and for all loan repayments and administrative fees or charges under a conservation practice loan program and place the same to the credit of the district. He is responsible on his official bond for the safekeeping and disbursement, in the manner provided in this part and part 6, of the money of the district held by him."

Section 21. Section 76-15-527, MCA, is amended to read:

"76-15-527. Purpose of expenditures. All money collected under 76-15-511 through 76-15-526 shall be expended for the purposes provided in 76-15-502 and 76-15-503 and for an established conservation practice loan program."

Section 22. Codification instruction. Sections 11 through 17 are intended to be codified as an integral part of Title 76, chapter 15, part 5, and the provisions of Title 76, chapter 15, part 5, apply to sections 11 through 17."

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
HB 349

A statement of intent is required for this bill because it delegates rulemaking authority in section 17 to conservation districts that elect to establish conservation practice loan programs.

The intent is to provide conservation districts with the authority to adopt those rules necessary to administer conservation practice loan programs. This authority is limited by section 17 to adopting rules: prescribing the form and content of applications for loans and plans for the resource conservation practice; governing the application, implementation, and interpretation of the criteria and preferences for awarding loans; providing for the servicing of loans, including arrangements for obtaining security interests and the establishment of reasonable fees or charges; providing for the confidentiality of financial statements submitted; prescribing the conditions for making loans; establishing the interest rate for the loans; and determining the type and amount of security interest in real estate that will be accepted and any conditions to be made upon the security interest.

First adopted by the Senate Agriculture, Livestock and Irrigation Committee on the 12th day of March, 1983.

HB 673, be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
HB 655, be concurred in. Report adopted.

JUDICIARY (Turnage, Chairman):
HB 501, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, Chairman):
HB 301, be concurred in. Report adopted.
HB 302, be concurred in. Report adopted.
HB 525, third reading copy, be amended as follows:

1. Page 1, line 19.
Following: "or"
Strike: "a bona fide"

2. Page 1, line 20.
Following: "if the"
Insert: "agreement,"

3. Page 1, line 22.
Following: "However, no"
Insert: "collective bargaining agreement,"

4. Page 1, line 24.
Following: "age"
Strike: "."
Insert: ", unless the employee has either attained 70 years of age, or has attained 65 years of age and has for the 2-year period immediately prior to retirement been employed in an executive or high policy making position and is entitled to an immediate and nonforfeitable annual retirement benefit from a pension, profit sharing, savings, or deferred compensation plan of an employer, or any combination of such benefits, of at least $27,000 a year."

And, as amended, be concurred in. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
HB 632, third reading copy, be amended as follows:

1. Page 1, line 16.
Strike: "or appointed"

2. Page 1, line 18.
Following: "13-1-401"
Insert: "or appointed as provided in subsection (4) of this section"

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
HB 8, third reading copy, be amended as follows:

1. Title, line 8.
Strike: "60-DAY"
Insert: "ONE YEAR"

2. Title, line 8.
Following: "PERIOD;"
Insert: "PROVIDING FOR CIVIL ACTIONS TO SET ASIDE THE REVERSION OF OWNERSHIP"

3. Page 4, line 5.
Strike: "DEEMED"
Insert: "considered"

4. Page 5, line 6.
Following: "[SECTION 4]"
Insert: "and the right to bring a civil action provided for in [section 5]"

5. Page 5, line 11.
Strike: "EXECUTED, ACKNOWLEDGED, AND"

6. Page 7, lines 3 and 4.
Strike: "Any person"
Insert: "A surface owner"

7. Page 7, line 23.
Following: ";"
Insert: "and"

8. Page 7, line 24.
Strike: "AND"
Insert: "."

9. Page 7, line 25.
Strike: "(E)"
Insert: "(3)"

10. Page 8, line 2.
Strike: "60 DAYS"
Insert: "one year"

11. Page 8.
Following: line 9
Insert: "NEW SECTION. Section 5. There is a new MCA section that reads:

"Section 5. Action challenging defective notice of reversion. (1) Within one year of receipt of notice in fact of the reversion pursuant to this part of any mineral interest owned by him, a mineral owner qualifying under this subsection may petition the district court of the county in which any of that interest is located to set aside the

reversion of the interest. The petition may be filed by the owner of a mineral interest who:

(a) is not a resident of this state;

(b) has received no other prior notice in fact of the reversion; and

(c) has not received a copy of a notice pursuant to [section 4(1)(b)] of the reversion of that interest.

(2) Upon the filing of a petition alleging the matters set forth in subsection (1) and alleging that the address of the petitioner was shown as of record or could have been reasonably ascertained under [section 4(1)(b)], the burden is on the surface owner to whom the interest has reverted to disprove those allegations. The ability of the surface owner to determine the address of the mineral interest owner by reasonable inquiry may be disproved only by proof that the surface owner employed a competent petroleum landman who after a diligent search was unable to locate the mineral interest owner. If the surface owner fails to disprove the allegations of the mineral owner, the court shall set aside the reversion of the interest.

(3) A court setting aside the reversion of an interest pursuant to this section shall

(a) determine the amount or value of any payment made or owned to such surface owner as a result of the reversion and order the same paid to the petitioner if the surface owner to whom an interest has reverted under this part has:

(i) sold his interest to another; or

(ii) received payment or a right to payment in money or product upon the production and marketing of any minerals from the property in which the interest lies.

(b) award the petitioning mineral interest owner the costs of bringing the petition, including his reasonable attorney fees, and interest thereon.

(4) The remedy provided in this section may be exercised only once by an owner of a mineral interest.""

Renumber: subsequent sections

12. Page 9, line 4.
Strike: "[act]"
Insert: "provisions"
Strike: "limit."
Insert: "limits. (1)"

13. Page 9, line 5.
Strike: "this [act]"
Insert: "[sections 1 through 4 and 6 through 8]"

14. Page 9.
Following: line 7
Insert: "(2) The provisions of [section 5] may not be waived."

And, as amended, be concurred in. Report adopted.

HB 373, be concurred in. Report adopted.
HB 472, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):

HB 200, be concurred in. Report adopted.
HB 321, third reading copy, be amended as follows:

1. Page 1, line 16.
Strike: "in effect"
Insert: "issued or renewed"

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 151, third reading copy, be amended as follows:

1. Page 3, line 12.
Following: "available"
Insert: "and eliminating provisions for legislative comment"

2. Page 3, line 15.
Following: "available"
Insert: "and eliminating provisions for legislative comment"

3. Page 3.
Following: line 15
Insert: "Section 4. Coordination instruction. If House Bill 629 introduced in the 48th Legislature is not passed and approved, the date "November 6, 1984" in section 3 of this act is changed to "November 8, 1983"."

And, as amended, be concurred in. Report adopted.

HB 199, be concurred in. Report adopted.
HB 222, third reading copy, be amended as follows:

1. Page 3, line 16.
Strike: "at the November 6, 1984, general election"

And, as amended, be concurred in. Report adopted.

HB 296, be concurred in. Report adopted.
HB 506, third reading copy, be amended as follows:

1. Page 2, line 16.
Strike: "Except as provided in subsection (2), for"
Insert: "For"

2. Page 4, line 16.
Strike: "and"
Insert: "through"

And, as amended, be concurred in. Report adopted.

HB 522, third reading copy, be amended as follows:

1. Page 1, line 22.
Following: "13-27-306."
Insert: "In the event there are insufficient signatures on the petition, additional signatures may be submitted before the deadline for filing."

And, as amended, be concurred in. Report adopted.

HB 547, be concurred in. Report adopted.
HB 674, be concurred in. Report adopted.
HB 688, be concurred in. Report adopted.
HB 712, be concurred in. Report adopted.
HB 776, third reading copy, be amended as follows:

1. Title, line 8.
Strike: "AND AIRCRAFT"

2. Page 6, line 15.
Strike: "WHOSE PRINCIPAL BUSINESS IS aviation"

3. Page 6, lines 20 and 21.
Following: "(e)"
Strike: remainder of lines 6 and 7 in their entirety
Insert: "one representative of the Montana airport management association;"

4. Page 14, line 15.
Strike: "AND AIRCRAFT"

5. Page 14, line 16.
Strike: "AND AIRCRAFT"

And, as amended, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 631, third reading copy, be amended as follows:

1. Page 2, line 17.
Strike: "1983"
Insert: "1984"

And, as amended, be concurred in. Report adopted.

HB 766, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens March 14, 1983
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 35, 122, 144, 156, 205.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate bills concurred in and returned to the Senate: 3/14/83

SB 65, introduced by Halligan

SB 87, introduced by Thomas, et al.

SB 108, introduced by B. Brown

SB 117, introduced by Dover, et al.

SB 130, introduced by Mazurek, et al.

SB 200, introduced by Van Valkenburg

SB 209, introduced by Dover, et al.

SB 213, introduced by Dover, et al.

SB 224, introduced by Tveit, et al.

SB 352, introduced by Regan, et al.

SB 409, introduced by Berg, et al.

SB 455, introduced by Norman

SJR 21, introduced by Berg, et al.

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 3/14/83

SB 101, introduced by Graham

Senate bills not concurred in and returned to the Senate: 3/14/83

SB 225, introduced by Daniels

SB 258, introduced by Thomas, et al.

SB 338, introduced by Graham, et al.

SB 351, introduced by Halligan, et al.

SB 389, introduced by Turnage, et al.

Senate bill not concurred in as amended and returned to the Senate: 3/14/83

SB 386, introduced by Halligan

House bills passed as amended and transmitted to the Senate for concurrence: 3/14/83

HB 706, introduced by Asay, et al.

HB 779, introduced by Harp, Quilici

HB 899, introduced by Addy

House bill passed and transmitted to the Senate for concurrence: 3/14/83

HB 780, introduced by Harp, Bardanouve

MOTIONS

Senator Etchart moved that HB 588 be taken from the Committee on Highways and Transportation and that it be referred to the Committee on Judiciary. Motion carried unanimously.

Senator Turnage moved that HB 825 be taken from second reading and that it be referred to the Committee on Judiciary. Motion carried unanimously.

Senator Kolstad moved that HB 662 be taken from second reading and that it be referred to the Committee on Judiciary. Motion carried as follows:

Ayes: Aklestad, Berg, Brown, Crippen, Dover, Eck, Elliott, Gage, Galt, Haffey, Himsl, Jacobson, Keating, Kolstad, Lee, Mazurek, Mohar, Norman, Regan, Severson, Shaw, Story, Thomas, Turnage, Mr. President.
Total 25

Noes: Blaylock, Boylan, Christiaens, Conover, Etchart, Fuller, Graham, Hager, Halligan, Hammond, Hazelbaker, Lane, Lynch, D. Manning, R.

Manning, Marbut, McCallum, Ochsner, Smith, Stimatz, Towe, Van Valkenburg.
Total 22

Excused: Daniels, Tveit.
Total 2

Absent or not voting: Goodover.
Total 1

Senator Crippen moved that HB 234 be taken from second reading and that it be deferred to day certain, March 18, 1983. Motion carried unanimously.

Senator Regan moved that HB 464 be taken from second reading and that it be referred to the Committee on Business and Industry. Motion carried unanimously.

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 706, introduced by Asay, Pavlovich, Devlin, Harrington. Referred to Committee on Taxation.
HB 779, introduced by Harp, Quilici. Referred to Committee on Taxation.
HB 780, introduced by Harp, Bardanouve. Referred to Committee on Taxation.
HB 899, introduced by Addy, (By Request of the Department of Labor and Industry). Referred to Committee on Rules.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 72, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 47

Noes: Gage.
Total 1

Excused: Daniels, Tveit.
Total 2

Absent or not voting: None.
Total 0

SB 127, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw,

Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, Tveit.
Total 2

Absent or not voting: Kolstad.
Total 1

SB 161, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Daniels, Tveit.
Total 2

Absent or not voting: None.
Total 0

SB 423, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, Tveit.
Total 2

Absent or not voting: Blaylock.
Total 1

SB 430, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.

Total 0

Excused: Daniels, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 30 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 43

Noes: Galt, Hammond, Himsl, Keating, Severson.
Total 5

Excused: Daniels, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 135 concurred in as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Etchart, Fuller, Graham, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Smith, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 35

Noes: Aklestad, Boylan, Elliott, Gage, Galt, Goodover, Hammond, Himsl, McCallum, Severson, Shaw, Turnage, Mr. President.
Total 13

Excused: Daniels, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 164 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Fuller, Gage, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 41

Noes: Etchart, Galt, Goodover, Keating, Shaw, Smith, Turnage.
Total 7

Excused: Daniels, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 194, being a Constitutional Amendment requiring a two-thirds vote of the Legislature, was sent to the House with the following vote:

Ayes: Aklestad, Berg, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Mr. President.
Total 37

Noes: Blaylock, Boylan, Brown, Etchart, Halligan, Jacobson, Lynch, Mohar, Norman, Stimatz, Van Valkenburg.
Total 11

Excused: Daniels, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 208 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Daniels, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 218 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Daniels, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 267 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover,

Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Daniels, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 272 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 46

Noes: Elliott, Severson.
Total 2

Excused: Daniels, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 274 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Daniels, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 319 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.

Total 48

Noes: None.
Total 0

Excused: Daniels, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 298 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, Tveit.
Total 2

Absent or not voting: Towe.
Total 1

HB 352 concurred in as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Daniels, Tveit.
Total 2

Absent or not voting: Blaylock, McCallum.
Total 2

HB 498 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Daniels, Tveit.

Total 2

Absent or not voting: None.
Total 0

Senator Daniels present at 3:38 p.m.

HB 546 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 46

Noes: Dover, Keating, Story.
Total 3

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 575 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 578 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.

Total 0

HB 653 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 679 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 832, being a Constitutional Amendment requiring a two-thirds vote of the legislature, was sent to the House with the following vote:

Ayes: Conover, Crippen, Etchart, Graham, Haffey, Keating, D. Manning, Marbut, Norman, Thomas, Towe.
Total 11

Noes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Turnage, Van Valkenburg, Mr. President.
Total 38

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 851 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Towe in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 507 - That HB 507 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 656 - That HB 656, third reading copy, be amended as follows:

1. Title, line 4.
Following: "EXPAND"
Insert: "AND CLARIFY"

2. Page 1, line 11.
Following: "space."
Insert: "(1)"

3. Page 1, line 17.
Following: line 17

Insert: "(2) The department, with the consent of the legislature, shall allocate space to the legislature, including space for chambers, committee rooms, and offices for legislators. The senate and the house of representatives, each being a distinguished, honorable, and independent arm of the legislature, shall each have the right to determine the location of its own chambers."

Amendment passed as follows:

Ayes: Aklestad, Boylan, Brown, Conover, Crippen, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Halligan, Hammond, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, Marbut, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Turnage, Mr. President.
Total 30

Noes: Berg, Blaylock, Christiaens, Eck, Haffey, Hager, Himsl, R. Manning, Mohar, Regan, Towe.
Total 11

Excused: Tveit.
Total 1

Absent or not voting: Daniels, Hazelbaker, D. Manning, Mazurek, McCallum, Story, Thomas, Van Valkenburg.
Total 8

That HB 656, third reading copy, be further amended as follows:

1. Title, line 6.
Following: "AGENCIES"
Insert: "LOCATED IN HELENA"

2. Page 1, line 13.
Following: "agencies"
Insert: "located in Helena"

3. Page 1, lines 16 and 17.
Following: "~~Helena~~"
Insert: "in Helena"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Himsl, Jacobson, Keating, Kolstad, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg.
Total 38

Noes: Boylan, Conover, Graham, Lane, Lee, Ochsner.
Total 6

Excused: Tveit.
Total 1

Absent or not voting: Brown, Hazelbaker, D. Manning, Story, Mr. President.
Total 5

That HB 656, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover,

Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 46

Noes: Berg, R. Manning, Mohar.
Total 3

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HJR 5 - That HJR 5, third reading copy, be amended as follows:

1. Title, line 11.
Strike: "REQUESTING"
Insert: "AUTHORIZING"

2. Page 3, line 1.
Strike: "Legislature"
Insert: "Senate"

3. Page 3, line 3.
Strike: "LEGISLATURE"
Insert: "Senate"

4. Page 3, line 12.
Strike: "ASSIGNED"
Insert: "Allocated"

5. Page 3, line 18.
Following: "BUILDINGS"
Insert: "to state agencies"

6. Page 3, line 18.
Following: "BUILDINGS"
Insert: "; and

WHEREAS, the legislature is not a state agency; and

WHEREAS, the department of administration may allocate space for the legislative branch of government with its consent"

7. Page 4, line 8.
Strike: "ASSIGNING"
Insert: "Allocating"

8. Page 4, line 16.
Following: "THE"
Strike: remainder of line 16 through "TO" on line 17
Insert: "Legislature advise"

Amendment passed as follows:

Ayes: Aklestad, Boylan, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Marbut, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Mr. President.
Total 32

Noes: Berg, Blaylock, Christiaens, Daniels, Eck, Fuller, Haffey, Himsl, R. Manning, Mazurek, Mohar, Regan, Van Valkenburg.
Total 13

Excused: Tveit.
Total 1

Absent or not voting: Conover, Lynch, D. Manning, Story.
Total 4

That HJR 5, third reading copy, be further amended as follows:

1. Page 4, lines 10 and 11.
Strike: ":

(1)"
Insert: ","

2. Page 4, line 12.
Following: "REPRESENTATIVES"
Strike: remainder of line 12 through "BODY" on line 15

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

That HJR 5, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HJR 18 - That HJR 18 be concurred in. Motion carried as follows:

Ayes: Brown, Christiaens, Conover, Dover, Eck, Elliott, Etchart, Fuller, Gage, Graham, Haffey, Hager, Halligan, Jacobson, Kolstad, Lane, Lee,

Lynch, R. Manning, Marbut, Mohar, Norman, Severson, Smith, Stimatz, Thomas, Towe, Van Valkenburg.
Total 28

Noes: Aklestad, Berg, Blaylock, Goodover, Hammond, Hazelbaker, Himsl, Keating, McCallum, Ochsner, Regan, Shaw, Turnage, Mr. President.
Total 14

Excused: Tveit.
Total 1

Absent or not voting: Boylan, Crippen, Daniels, Galt, D. Manning, Mazurek, Story.
Total 7

Senator Haffey in the Chair.

HB 299 - That HB 299, third reading copy, be amended as follows:

1. Page 5, line 24.
Following: "41-3-503,"
Insert: "a community residential facility as defined in 76-2-313,"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

That HB 299, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

Senator Towe in the Chair.

HB 35 - That HB 35 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: Towe.
Total 1

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 83 - That HB 83, third reading copy, be amended as follows:

1. Page 1, line 13.
Strike: "300"
Insert: "200"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Eck, Elliott, Fuller, Haffey, Hager, Hammond, Hazelbaker, Himsl, Marbut, Regan, Severson, Stimatz, Thomas, Towe.
Total 19

Noes: Conover, Daniels, Gage, Goodover, Halligan, Kolstad, Lane, Lee, Lynch, R. Manning, Mazurek, McCallum, Mohar, Ochsner, Shaw, Smith, Story, Mr. President.
Total 18

Excused: Tveit.
Total 1

Absent or not voting: Christiaens, Crippen, Dover, Etchart, Galt, Graham, Jacobson, Keating, D. Manning, Norman, Turnage, Van Valkenburg.
Total 12

That HB 83, as amended, be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Conover, Crippen, Dover, Eck, Elliott, Fuller, Haffey, Hager, Halligan, Jacobson, Keating, Lane, Lynch, Marbut, Mazurek, Norman, Ochsner, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 25

Noes: Aklestad, Etchart, Gage, Goodover, Graham, Hammond, Hazelbaker, Himsl, Lee, R. Manning, Mohar, Severson, Shaw, Smith, Story, Turnage, Mr. President.
Total 17

Excused: Tveit.
Total 1

Absent or not voting: Brown, Christiaens, Daniels, Galt, Kolstad, D. Manning, McCallum.
Total 7

HB 94 - That HB 94 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 169 - That HB 169, without objection, be moved to the bottom of the board.

HB 231 - That HB 231 be concurred in. Motion carried as follows:

Ayes: Berg, Christiaens, Conover, Daniels, Eck, Elliott, Graham, Haffey, Halligan, Hazelbaker, Jacobson, Keating, Lane, Lynch, R. Manning, Marbut, Mazurek, Mohar, Stimatz, Thomas, Towe, Turnage, Van Valkenburg.
Total 23

Noes: Aklestad, Blaylock, Etchart, Gage, Himsl, Ochsner, Severson, Shaw, Mr. President.
Total 9

Excused: Tveit.
Total 1

Absent or not voting: Boylan, Brown, Crippen, Dover, Fuller, Galt, Goodover, Hager, Hammond, Kolstad, Lee, D. Manning, McCallum, Norman, Regan, Smith, Story.
Total 17

HB 315 - That HB 315 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 427 - That HB 427, without objection, be moved to the bottom of the board.

HB 429 - That HB 429 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 490 - That HB 490 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 492 - That HB 492 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 514 - That HB 514 be concurred in. Motion carried as follows:

Ayes: Aklestad, Boylan, Brown, Conover, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Halligan, Hammond, Hazelbaker, Himsl,

Jacobson, Keating, Kolstad, Lee, D. Manning, McCallum, Mohar, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 34

Noes: Berg, Blaylock, Christiaens, Eck, Fuller, Graham, Haffey, Lane, R. Manning, Mazurek, Norman, Regan.
Total 12

Excused: Tveit.
Total 1

Absent or not voting: Daniels, Lynch, Marbut.
Total 3

HB 562 - That HB 562 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 626 - That HB 626 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 691 - That HB 691 be concurred in. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Christiaens, Conover, Daniels, Etchart, Fuller, Galt, Goodover, Haffey, Halligan, Hammond, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, McCallum, Shaw, Smith, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 28

Noes: Berg, Brown, Dover, Eck, Gage, Hager, Hazelbaker, Himsl, Keating, Mazurek, Mohar, Ochsner, Regan, Severson, Turnage, Mr. President.

Total 16

Excused: Tveit.
Total 1

Absent or not voting: Crippen, Elliott, Graham, Lane, Norman.
Total 5

Senator Haffey in the Chair.

HB 721 - That HB 721 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

Senator Towe in the Chair.

HB 764 - That HB 764 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 873 - That consideration on HB 873 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.

Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Towe moved the adoption of the committee report. Report adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 5:51 p.m, until Wednesday, March 16, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTIETH LEGISLATIVE DAY

Helena, Montana
March 16, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except R. Manning, Tveit, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the fifty-ninth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

RULES (Hazelbaker, Chairman):
SJR 5, do pass. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
SJR 22, do pass. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
HB 802, third reading copy, be amended as follows:

1. Page 6, line 3.
Following: "agencies"
Insert: "and private industry"

2. Page 6, lines 21 and 22.
Strike: "Applications" on line 21 through "department" on line 22
Insert: "The registration shall be renewed annually"

3. Page 6, line 24 through page 7, line 1.
Strike: "review" on page 6, line 24 through "approved" on page 7, line 1
Insert: "register all federally approved pesticides, and those registered"

4. Page 7, lines 5 through 10.
Following: "." on line 5
Strike: remainder of line 5 through line 10 in their entirety

5. Page 7, lines 23 through 25.
Strike: "," on line 23 through "species" on line 25

6. Page 8, line 16.
Strike: "$50"
Insert: "$20"

7. Page 9, line 15.
Following: "chapter"
Insert: "or whenever scientific evidence proves that the article endangers man or the general environment afforded protection under 80-8-105(3)(a)"

8. Page 10, lines 5 through 18.
Strike: lines 5 through 18 in their entirety

9. Page 10, line 19.
Strike: "but are not limited to"

Following: "the"
Insert: "same"

10. Page 12, line 8.
Following: "or"
Insert: "in"

11. Page 12, line 10.
Following: "or"
Insert: "in"

12. Page 12, lines 13 through 15.
Strike: "Such" on line 13 through "until" on line 15
Insert: "The cancellation is effective on"

13. Page 13, line 4.
Strike: "$50"
Insert: "$20"

14. Page 13, line 5.
Strike: "$30"
Insert: "$15"

15. Page 13, lines 13 through 16.
Strike: lines 13 through 16 in their entirety
Renumber: subsequent subsections

16. Page 14, line 12.
Strike: "May"
Insert: "March"

17. Page 14, line 13.
Strike: "May"
Insert: "March"

18. Page 15, lines 8 through 10.
Strike: lines 8 through 10 in their entirety

19. Page 15, line 12.
Strike: "$50"
Insert: "$20"

20. Page 15, line 13.
Strike: "May"
Insert: "March"

21. Page 15, line 14.
Strike: "May"
Insert: "March"

22. Page 15, line 15.
Strike: "$25"
Insert: "$15"

23. Page 15, line 20.
Strike: "$50"
Insert: "$20"

24. Page 16, lines 21 and 22.
Strike: "OR" on line 21 through "SECTION" on line 22

25. Page 20, lines 14 through 16.
Strike: "$500" on line 14
Insert: "$100"

Strike: "$2,500" on line 14
Insert: "$1,500"
Strike: "or" on line 14 through "both" on line 16

26. Page 21, line 24.
Strike: "violates any provision"
Insert: "commits a major violation"
Following: "chapter"
Insert: "as defined in subsection (5)(d)"

27. Page 22, line 5.
Following: "department"
Insert: "warning,"
Following: "order"
Insert: ","

28. Page 22, lines 15 through 19.
Strike: "A" on line 15 through "INCLUDE" on line 19
Insert: "In determining an appropriate penalty, the department shall consider the effect on the person's ability to continue in business, the gravity of the violation which occurred, the degree of care exercised by the offender, and whether significant harm resulted to health, environment, agricultural crops, or livestock.

(d) A major violation of this chapter includes:

(i)"

29. Page 22, line 21.
Following: ";"
Insert: "(ii)"

30. Page 22, line 22.
Following: ";"
Insert: "(iii)"

31. Page 22, line 23.
Following: ";"
Insert: "(iv)"

32. Page 22, line 24.
Following: ";"
Strike: "(v)"

33. Page 22, line 25.
Following: "WITHOUT"
Insert: "having obtained"

34. Page 23, line 1.
Following: "OR"
Insert: "(vi)"
Strike: "VIOLATIONS"
Insert: "violation of this chapter"

35. Page 23, lines 2 and 3.
Strike: "The" on line 2 through "." on line 3

36. Page 23, line 4.
Strike: "(d)"
Insert: "(e)"

37. Page 24, lines 15 and 16.
Strike: section 14 in its entirety

And, as amended, be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Lee, Vice-Chairman):
HB 638, be concurred in. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 136, be concurred in. Report adopted.
HB 185, be concurred in. Report adopted.
HB 449, third reading copy, be amended as follows:

1. Page 2, line 20.
Following: "BORROWER."
Strike: "NO"
Insert: "A"
Following: "LOAN"
Strike: "MAY"
Insert: "extended beyond the fiscal yearend must"
Following: "BE"
Insert: "repaid"

2. Page 2, line 21.
Strike: lines 21 through 25 in their entirety
Insert: "within 1 calendar year of the date the loan is approved. Under unusual circumstances the director of the department of administration may grant one extension of a loan for up to 1 year. The department of administration shall prepare a written justification and proposed repayment plan for each loan extension authorized and shall furnish a copy of the written justification and proposed repayment plan to the house appropriations and senate finance and claims committees at the next legislative session."

And, as amended, be concurred in. Report adopted.

HB 548, third reading copy, be amended as follows:

1. Title, line 9.
Following: "AMENDMENTS;"
Insert: "DELETING THE CRIMINAL PENALTY RELATING TO EXPENDITURES IN EXCESS OF APPROPRIATIONS;"

2. Page 2, line 1.
Following: "court"
Insert: "or his designated representative"

3. Page 2, line 2.
Following: "committees"
Insert: "or a designated representative"

4. Page 2, line 3.
Following: "regents"
Insert: "or its designated representative"

5. Page 4, line 10.
Following: "any"
Insert: "significant"

6. Page 4, line 14.
Following: "state"
Strike: "earmarked"
Insert: "special"

7. Page 4, lines 23 and 24.
Following: "knowledge" on line 23

Strike: "or reasonably should have had knowledge"

8. Page 4, line 25.
Following: "to"
Insert: "an appropriation subcommittee, the house appropriations committee, or the senate finance and claims committee of"

9. Page 5, line 3.
Following: "biennium."
Insert: "(2)"
Renumber: subsequent subsection

10. Page 5, line 11.
Following: "other"
Strike: "REASONABLE"

11. Page 5, line 22.
Following: "other"
Insert: "reasonable"

12. Page 6, line 10.
Following: "future"
Insert: "significant"

13. Page 6, line 21.
Strike: "earmarked"
Insert: "special"

14. Page 11, line 9.
Following: "CIVIL"
Strike: "and criminal"

15. Page 11, lines 10 through 17.
Following: "(1)"
Strike: subsection (a) in its entirety
Renumber: subsequent subsections

16. Page 12, line 1.
Following: "of"
Strike: "a standing committee of the legislature"
Insert: "the legislative finance committee"

17. Page 12, line 5.
Strike: "(B)"
Insert: "(A)"

18. Page 12, line 10.
Strike: "(C)"
Insert: "(b)"

19. Page 12, lines 11 and 12.
Following: "resolution," on line 11
Strike: "a standing committee of the legislature,"

20. Page 12, line 15.
Strike: "(1)(b)"
Insert: "(1)(a)"
Strike: "(1)(c)"
Insert: "(1)(b)"

And, as amended, be concurred in. Report adopted.

FISH AND GAME (Smith, Chairman):
HB 342, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
HB 560, be concurred in. Report adopted.
HB 606, third reading copy, be amended as follows:

1. Title, line 7.
Following: "~~PERSONNEL,~~"
Insert: "LIMITING ENFORCEMENT TO HIGHWAY PATROL PERSONNEL;"

2. Page 2, line 6.
Strike: "currently in short supply"

3. Page 2.
Following: line 17
Insert: "(3) The enforcement of the speed limit set under this section is limited to the jurisdiction of the state highway patrol."

4. Page 3, line 22.
Strike: "currently in short supply"

5. Page 3, line 24.
Following: "$5."
Insert: "A person who violates the speed limit under 61-8-304 by driving more than 75 miles an hour during daytime hours or more than 65 miles an hour during nighttime hours is guilty of the offense of aggravated waste of a resource and shall be fined $35, in lieu of the fine of $5, and bond for this offense shall be $35."

And, as amended, be concurred in. Report adopted.

JUDICIARY (Turnage, Chairman):
HB 741, be concurred in. Report adopted.

RULES (Hazelbaker, Chairman):
HB 539, third reading copy, be amended as follows:

1. Strike: Senate Standing Committee on Highways and Transportation report, amendments 1 through 8 dated March 9, 1983

2. Title, line 9.
Following: "PERMIT;"
Strike: remainder of line 9 through line 11

3. Title, line 12.
Strike: "SECTIONS"
Insert: "SECTION"
Strike: "AND 61-10-144"

4. Page 3, line 3.
Strike: section 2 in its entirety
Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 401, be concurred in. Report adopted.
HB 639, be concurred in. Report adopted.
HJR 19, third reading copy, be amended as follows:

1. Page 3.
Following: line 20
Insert: "BE IT FURTHER RESOLVED, that if Senate Bill 451 is approved and signed by the governor, that the duties of the select legislative committee on Indian affairs be transferred on October 1,

1983, to the legislative management committee created in Senate Bill 451, and the select legislative committee on Indian affairs be dissolved."

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House, on 3/15/83, requested the return of SB 258, introduced by Thomas, et al., for further consideration.

Senate bills concurred in and returned to the Senate: 3/15/83

SB 243, introduced by Towe

SB 301, introduced by H. Hammond

SB 302, introduced by H. Hammond

SB 332, introduced by Marbut, et al.

SB 353, introduced by Christiaens, et al.

SB 400, introduced by B. Brown

SB 421, introduced by Daniels, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, was not concurred in by the House and is returned to the Senate with the following vote: 3/15/83

House of Representatives

Yeas - 31
Nays - 66

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 3/15/83

SB 242, introduced by Gage, Towe

SB 349, introduced by Dover, Galt, et al.

SB 398, introduced by Boylan, Fabrega

MOTIONS

Senator Hazelbaker moved that the Senate accede to the request of the House of Representatives and return SB 258 for further consideration. Motion carried unanimously.

Senator Blaylock moved that HB 437 be taken from third reading and that it be placed on second reading. Motion carried unanimously.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 203 concurred in as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 42

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: Blaylock, Etchart, Gage, Galt, Lynch, Smith.
Total 6

HB 207 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: Gage, Lynch, Smith.
Total 3

HB 212 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 43

Noes: Hammond, Ochsner, Shaw, Smith, Mr. President.
Total 5

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 219 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: Marbut.

Total 1

HB 245 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 46

Noes: Shaw.
Total 1

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: Marbut.
Total 1

HB 247 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: Marbut.
Total 1

HB 250 concurred in as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 41

Noes: Blaylock, Daniels, Etchart, Haffey, Keating, Lynch, Stimatz.
Total 7

Paired: R. Manning, Aye; Blaylock, No.

Excused: Tveit.
Total 1

Absent or not voting: D. Manning.
Total 1

HB 269 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey,

Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Severson, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 38

Noes: Boylan, Dover, Galt, Hammond, Kolstad, McCallum, Ochsner, Shaw, Smith, Story.
Total 10

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 324 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 337 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 47

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: Van Valkenburg.
Total 1

HB 434 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: Aklestad.
Total 1

HB 436 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 441 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 504 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 44

Noes: Dover, Etchart, Hager, Shaw.
Total 4

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 541 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: Story.
Total 1

HB 556 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 46

Noes: Regan.
Total 1

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: Goodover.
Total 1

HB 627 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Norman, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 41

Noes: Aklestad, Dover, Galt, Kolstad, McCallum, Mohar, Ochsner, Shaw.
Total 8

Paired: R. Manning, Aye; Aklestad, No.

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 642 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: McCallum, Regan.
Total 2

HB 781, being a Constitutional Amendment requiring a two-thirds vote of the Legislature, failed to advance as follows:

Ayes: Blaylock, Eck, Graham, Halligan, Keating, Regan, Van Valkenburg.
Total 7

Noes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 43

Paired: Eck, Halligan, Regan, Van Valkenburg, Ayes; R. Manning, Tveit, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Shaw in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 169 - That HB 169 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 427 - That HB 427 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 873 - That consideration on HB 873 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 887 - That HB 887 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

HJR 12 - That HJR 12, third reading copy, be amended as follows:

1. Page 2, line 19.
Following: "lands"
Strike: remainder of line 19 through "enterprises" on line 23

Amendment failed as follows:

Ayes: Aklestad, Boylan, Dover, Elliott, Gage, Galt, Goodover, Hammond, Himsl, Keating, Kolstad, Lee, Shaw, Turnage, Mr. President.
Total 15

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Graham, Halligan, Hazelbaker, Jacobson, Lane, Marbut, Mazurek, Mohar, Norman, Ochsner, Severson, Smith, Towe, Van Valkenburg.
Total 23

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: Etchart, Haffey, Hager, Lynch, D. Manning, McCallum, Regan, Stimatz, Story, Thomas.
Total 10

That HJR 12 be indefinitely postponed. Motion failed as follows:

Ayes: Aklestad, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hammond, Himsl, Keating, Kolstad, Lee, McCallum, Ochsner, Severson, Shaw, Story, Thomas, Mr. President.
Total 20

Noes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Lane, Lynch, Marbut, Mazurek, Mohar, Norman, Regan, Smith, Stimatz, Towe, Turnage, Van Valkenburg.
Total 27

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: D. Manning.
Total 1

That HJR 12 be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Lane, Lynch, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Smith, Stimatz, Towe, Turnage, Van Valkenburg.
Total 29

Noes: Aklestad, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hammond, Himsl, Keating, Kolstad, Lee, Ochsner, Shaw, Story, Thomas, Mr. President.
Total 18

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: D. Manning.
Total 1

HJR 26 - That HJR 26 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

SB 101 - That House amendments to SB 101 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 8 - That HB 8, third reading copy, be amended as follows:

1. Page 2, line 16.
Following: "MEANS"
Strike: "AN"
Insert: "a fee simple"

2. Page 2, line 17.
Strike: "OWNED"

3. Page 2, line 18.
Following: "LAND"
Strike: remainder of line 18 through "DEVELOPMENT" on line 20
Insert: "wherein the minerals lie in, on or under"

4. Page 3, line 1.
Following: "MEANS"
Strike: remainder of line 1 through "AGREEMENTS" on line 4
Insert: "a share of the minerals produced and saved by mining operations"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

That HB 8, third reading copy, be further amended as follows:

1. Page 3, line 1.
Strike: lines 1 through 4
Renumber: subsequent sections

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

That HB 8, as amended, be concurred in. Motion failed as follows:

Ayes: Boylan, Christiaens, Conover, Dover, Eck, Elliott, Galt, Graham, Haffey, Hammond, Keating, Lynch, D. Manning, Marbut, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 23

Noes: Aklestad, Berg, Blaylock, Brown, Crippen, Daniels, Etchart, Fuller, Gage, Goodover, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Mazurek, McCallum, Mohar, Norman, Regan, Turnage, Mr. President.
Total 24

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: Lee.
Total 1

That HB 8 be indefinitely postponed. Motion failed as follows:

Ayes: Aklestad, Brown, Crippen, Etchart, Gage, Goodover, Hager, Halligan, Hazelbaker, Himsl, Lane, Mazurek, McCallum, Regan, Turnage, Mr. President.
Total 16

Noes: Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Fuller, Galt, Graham, Haffey, Hammond, Jacobson, Keating, Kolstad, Lynch, D. Manning, Marbut, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 31

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: Lee.
Total 1

Senate stood in recess at 4:44 p.m.

Senate resumed at 5:00 p.m.

HB 151 - That HB 151, being a Constitutional Amendment, be concurred in by the Senate pursuant to Rule 6-28 and advance to third reading. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Eck, Elliott, Etchart, Gage, Goodover, Graham, Haffey, Hazelbaker, Jacobson, Keating, Lane, Lynch, Marbut, McCallum, Mohar, Norman, Ochsner, Shaw, Stimatz, Thomas, Towe, Van Valkenburg.
Total 28

Noes: Aklestad, Dover, Himsl, Severson, Turnage.
Total 5

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: Crippen, Daniels, Fuller, Galt, Hager, Halligan, Hammond, Kolstad, Lee, D. Manning, Mazurek, Regan, Smith, Story, Mr. President.
Total 15

HB 199 - That consideration on HB 199 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 200 - That HB 200 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 222 - That HB 222 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 270 - That HB 270 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 489 - That HB 489 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 505 - That HB 505 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 530 - That HB 530 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 531 - That HB 531 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson,

Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 532 - That HB 532 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 533 - That HB 533 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 554 - That HB 554 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 568 - That HB 568 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 660 - That HB 660 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 222 - That HB 222 be segregated from the Committee of the Whole report. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Shaw moved the adoption of the committee report, as amended. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly enrolled: SB 4, SB 70, SB 158, SB 177, SB 195, SB 196, SB 226, SB 236, SB 245, SB 291, SB 308, SB 420, SJR 15, SJR 18.
Examined by the sponsor (Brown) and found to be correct: SB 158.
Examined by the sponsor (Crippen) and found to be correct: SB 195, SB 226, SB 236.
Examined by the sponsor (Eck) and found to be correct: SB 70, SB 291.
Examined by the sponsor (D. Manning) and found to be correct: SB 245.
Examined by the sponsor (Mazurek) and found to be correct: SB 4.
Examined by the sponsor (Regan) and found to be correct: SB 308.
Examined by the sponsor (Smith) and found to be correct: SJR 18.
Examined by the sponsor (Thomas) and found to be correct: SB 420.
Examined by the sponsor (Turnage) and found to be correct: SJR 15.
Examined by the sponsor (Van Valkenburg) and found to be correct: SB 177, SB 196.
Signed by the President at 2:00 p.m., 3/16/83: SB 4, SB 70, SB 158, SB 177, SB 195, SB 196, SB 226, SB 236, SB 245, SB 291, SB 308, SB 420, HB 36, HB 122, HB 190, HB 205, HB 361, HB 402, HB 422, HB 448, HB 452, HB 460, HB 486, HB 487, HB 502, HB 508, HB 509, HB 557, HB 657, HB 672, SJR 15, SJR 18, HJR 6.

COMMITTEES (Galt, Chairman):
Hereby appoint to the Consumer Council the following members:

Gary P. Lee Paul F. Boylan

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Shaw in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 670 - That HB 670 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson,

Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 696 - That HB 696 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 712 - That consideration on HB 712 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 766 - That HB 766 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 776 - That consideration on HB 776 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 437 - That HB 437, third reading copy, be amended as follows:

1. Title, line 9.
Following: "AXLES,"
Insert: "BY PROVIDING FOR CHANGING THE 7 PERCENT ALLOWANCE TO A 5 PERCENT ALLOWANCE ON TOTAL GROSS AND AXLE WEIGHT LIMITATIONS FOR ALL VEHICLES OR COMBINATIONS OF VEHICLES NOT TRANSPORTING LIVESTOCK,"

2. Title, line 15.
Strike: "AND"
Insert: ","
Following: "61-10-124,"
Insert: "AND 61-10-144,"

3. Page 6.
Following: line 22
Insert: "Section 4. Section 61-10-144, MCA, is amended to read:

"61-10-144. Violation of standards — ~~seven percent allowance~~ tolerance. (1) It is a misdemeanor for a person, firm, or corporation to violate any provision of 61-10-101 through 61-10-110.

(2) However, the operator of a vehicle or combination of vehicles may move over the highways to the first open state scale, permanent or portable, without incurring the excess weight penalties set forth in 61-10-145 if the total gross weight of the vehicle or combination of vehicles does not exceed allowable total gross weight limitations by more than 5%, or 7% if the vehicle or combination of vehicles is transporting livestock, and if the weight carried by any axle or combination of axles does not exceed the allowable axle weight limitations by more than 5%, or 7% if the vehicle or

combination of vehicles is transporting livestock. In the event the vehicle or combination of vehicles is not in excess of the allowable total gross or axle weight limitations by more than 5%, or 7% if the vehicle or combination of vehicles is transporting livestock, the department may issue a single trip permit for the fee of $10 for allowing said vehicle or combination of vehicles to move over the highways to the first facility where its load can be safely adjusted or to its destination. Violations of total gross or axle weight limitations in excess of 5%, or 7% if the vehicle or combination of vehicles is transporting livestock, are subject to the fines provided in 61-10-145, and all loads in excess of 5% of total gross or axle weight limitations, or 7% if the vehicle or combination of vehicles is transporting livestock, must be adjusted or reduced to conform to the size and weight limitations before the vehicle or combination of vehicles is moved from the point of weighing.

(3) An operator of a vehicle or combination of vehicles subject to the provisions of 61-10-107(2) may move over a highway, except any highway which is part of the federal-aid interstate system, within a 50-mile radius of the harvested field to the point of first unloading, without incurring the excess weight penalties set forth in 61-10-145 if the total gross weight of the vehicle or combination of vehicles does not exceed allowable weight limitations by more than 20% per axle by the maximum load per inch of tire width may not exceed 670 pounds. The vehicle or combination of vehicles may not exceed 40 miles per hour. No single trip permit as required in subsection (2) shall be applicable to such vehicle or combination of vehicles. When such vehicle or combination of vehicles violates any of the provisions of this subsection, the fine or penalty imposed shall apply to that portion of the load above the legal limit.""

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 47

Noes: Smith.
Total 1

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

That HB 437, as amended, be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.

Total 46

Noes: Aklestad, Gage.
Total 2

Excused: R. Manning, Tveit.
Total 2

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Shaw moved the adoption of the committee report. Report adopted.

At the request of Senator Marbut, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Marbut moved that HB 199 be taken from second reading and that it be referred to the Committee on State Administration. Motion carried unanimously.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

At the request of Senator Boylan, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Boylan moved to change his vote from No to Aye on HB 131, voted on March 12, 1983, the 57th legislative day. Motion carried unanimously.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 6:02 p.m., until Thursday, March 17, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTY-FIRST LEGISLATIVE DAY

Helena, Montana
March 17, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Tveit, Van Valkenburg, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the sixtieth legislative day, find the same to be correct.

Tveit, Chairman

SPECIAL ORDERS OF THE DAY

A special program was presented in honor of St. Patrick's Day. John Kozeluh of the Missoula Sentinel High School Speech Team presented a humorous selection. Colleen Mockler and Mike Curtis, accompanied by Bud Brown on the piano, presented scenes from the play "Shamrock" which was arranged by Don Ingels.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SJR 5, SJR 22.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman):
HB 196, be concurred in. Report adopted.
HB 461, third reading copy, be amended as follows:

1. Page 5, lines 4 and 5.
Strike: "<u>, INCLUDING SPEECH PATHOLOGY, AUDIOLOGY, OCCUPATIONAL THERAPY, AND PHYSICAL THERAPY,</u>"

2. Page 5, line 8.
Following: "<u>education</u>"
Insert: "and includes speech pathology, audiology, occupational therapy, and physical therapy"

And, as amended, be concurred in. Report adopted.

HB 519, be concurred in. Report adopted.
HB 746, third reading copy, be amended as follows:

1. Page 2, line 13.
Following: "a"
Strike: "regular school"
Insert: "general"

2. Page 3, line 8.
Following: "body"
Insert: ", board of regents,"

3. Page 3, line 13.
Following: "any"
Strike: "regular school"
Insert: "general"

4. Page 5, line 23.
Following: "be"
Strike: remainder of line 23 through "petition" on line 24
Insert: "held on the next general election day"

5. Page 6, line 24.
Strike: section 5 in its entirety
Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
HB 542, be concurred in. Report adopted.

JUDICIARY (Turnage, Chairman):
HB 774, third reading copy, be amended as follows:

1. Page 2, line 24.
Following: "writing"
Insert: "or electronic means, if the reporter is certified in shorthand or machine writing,"

2. Page 5, lines 3 through 11.
Strike: subsection (5) in its entirety

And, as amended, be concurred in. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
HB 68, third reading copy, be amended as follows:

1. Title, line 5.
Following: "MOTORBOATS"
Strike: remainder of line 5 through "23-2-512" on line 11
Insert: "BY AUTHORIZING FISH AND GAME WARDENS (STATE CONSERVATION OFFICERS) THE POWER FOR ENFORCING PUBLIC NUISANCE AND DISORDERLY CONDUCT LAWS AS THEY APPLY TO THE OPERATION OF MOTORBOATS; AMENDING SECTION 87-1-506"

2. Title, line 11.
Strike: "A DELAYED"
Insert: "AN"

3. Pages 1 through 11.
Strike: all of the bill following the enacting clause
Insert: "Section 1. Section 87-1-506, MCA, is amended to read:

"87-1-506. Enforcement powers of wardens. A warden may:

(1) serve a subpoena issued by a court for the trial of a violator of the fish and game laws;

(2) search, without a warrant, any tent not used as a residence, any boat, vehicles, box, locker, basket, creel, crate, game bag, or package or their contents upon probable cause to believe that any fish and game law or department rule for the protection, conservation, or propagation of game, fish, birds, or fur-bearing animals has been violated;

(3) search, with a search warrant, any dwelling house or other building;

(4) seize game, fish, game birds, and fur-bearing animals and any parts of them taken or possessed in violation of the law or the rules of the department;

(5) seize and hold, subject to law or the orders of the department, devices which have been used to unlawfully take game, fish, birds, or fur-bearing animals;

(6) arrest, in accordance with Title 46, chapter 6, a violator of a fish and game law or rule of the department, violation of which is a misdemeanor;

(7) enforce the disorderly conduct and public nuisance laws (45-8-101 and 45-8-111) as they apply to the operation of motorboats on all waters of the state;

~~(7)~~(8) exercise the other powers of peace officers in the enforcement of the fish and game laws, the rules of the department, and judgments obtained for violation of those laws or rules."

Section 2. Effective date. This act is effective May 1, 1983."

4. Statement of intent.
Strike: statement of intent in its entirety

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 786, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 224, third reading copy, be amended as follows:

1. Page 1, line 17.
Following: "obligation"
Insert: "for the purchase of personal property ordered but not paid for during the current fiscal year and"

And, as amended, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman):
HB 192, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Eck, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 42

Noes: Dover, Elliott, Graham.
Total 3

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: Crippen, Etchart, Lee.
Total 3

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

March 16, 1983

Dear Mr. President:

This is to inform you that I signed the following measures on March 15, 1983:

Senate bills 11, 45, 100, 123, 162, 218, 304.

Sincerely,

Ted Schwinden
Governor

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

March 16, 1983

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 61, 79, 91, 121, 128, 129, 147, 148, 149, 169, 321, 355, 356.

Sincerely,

Ted Schwinden
Governor

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

March 17, 1983

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 88, 110, 178, 181, 189, 350.

Sincerely,

Ted Schwinden
Governor

FIRST READING OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SR 5, introduced by Stephens, Hazelbaker, Blaylock, Galt, Boylan. Referred to Committee on Legislative Administration.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 101, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage.

Total 47

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: Mr. President.
Total 1

HB 35 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Mr. President.
Total 47

Noes: Towe.
Total 1

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 83 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Dover, Eck, Elliott, Fuller, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe.
Total 28

Noes: Aklestad, Conover, Daniels, Etchart, Gage, Galt, Goodover, Graham, Hammond, Himsl, Lee, R. Manning, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Mr. President.
Total 20

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 94 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 47

Noes: McCallum.
Total 1

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 231 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Fuller, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Thomas, Towe, Turnage, Mr. President.
Total 40

Noes: Aklestad, Etchart, Gage, Goodover, Himsl, Shaw, Story.
Total 7

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: Crippen.
Total 1

HB 299 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 315 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 429 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 45

Noes: Etchart, Severson, Shaw.
Total 3

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 490 concurred in as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: Blaylock.
Total 1

HB 492 concurred in as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: Blaylock.
Total 1

HB 507 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.

Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 514 concurred in as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 44

Noes: Berg, Fuller, Lynch, R. Manning.
Total 4

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 562 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 626 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.

Total 2

Absent or not voting: None.
Total 0

HB 656 concurred in as follows:

Ayes: Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Mr. President.
Total 42

Noes: Aklestad, Berg, Himsl, Mohar, Severson, Story.
Total 6

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 691 concurred in as follows:

Ayes: Aklestad, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Norman, Severson, Smith, Stimatz, Story, Thomas, Towe.
Total 32

Noes: Berg, Brown, Dover, Eck, Gage, Hager, Himsl, Keating, Mazurek, Mohar, Ochsner, Regan, Shaw, Turnage, Mr. President.
Total 15

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: McCallum.
Total 1

HB 721 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 764 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HJR 5 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Mr. President.
Total 46

Noes: Himsl, Story.
Total 2

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HJR 18 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Galt, Graham, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 41

Noes: Aklestad, Goodover, Hammond, Himsl, McCallum, Shaw.
Total 6

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: Gage.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Marbut in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 8 - That consideration on HB 8 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 222 - That HB 222 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 712 - That HB 712 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 776 - That HB 776, third reading copy, be amended as follows:

1. Page 6, lines 20 and 21.
Following: "(e)"
Strike: remainder of lines 20 and 21 in their entirety
Insert: "one representative of the Montana Airport Management Association;"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

That HB 776, third reading copy, be further amended as follows:

1. Page 6, lines 16 and 17.
Following: "(c)"
Strike: lines 16 and 17 in their entirety
Insert: "one representative of the Montana airport management association;"

2. Page 6, lines 20 and 21.
Strike: Senate Standing Committee amendment 3, dated March 15, 1983

Amendment passed as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Haffey, Hager, Halligan, Hammond, Lane, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Smith, Thomas, Towe.
Total 24

Noes: Aklestad, Boylan, Daniels, Gage, Goodover, Graham, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lee, Lynch, R. Manning, Marbut, Ochsner, Shaw, Stimatz, Story, Turnage, Mr. President.
Total 21

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: Conover, Galt, D. Manning.
Total 3

That HB 776, as amended, be concurred in. Motion carried as follows:

Ayes: Brown, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Graham, Haffey, Hammond, Hazelbaker, Jacobson, Kolstad, Lane,

Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Norman, Regan, Severson, Smith, Stimatz, Story, Towe, Mr. President.
Total 30

Noes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Elliott, Goodover, Hager, Halligan, Himsl, Keating, Mohar, Ochsner, Shaw.
Total 14

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: Galt, D. Manning, Thomas, Turnage.
Total 4

Senator Etchart in the Chair.

HB 873 - That HB 873 be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Kolstad, Lane, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Towe, Turnage.
Total 31

Noes: Aklestad, Boylan, Himsl, Keating, McCallum, Ochsner, Severson, Shaw, Smith, Mr. President.
Total 10

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: Galt, Lee, Lynch, D. Manning, Marbut, Story, Thomas.
Total 7

Senator Marbut in the Chair.

SB 242 - That House amendments to SB 242 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

SB 349 - That House amendments to SB 349 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker,

Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

SB 398 - That House amendments to SB 398 and statement of intent be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 296 - That HB 296 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 47

Noes: Regan.
Total 1

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.

HB 301 - That HB 301 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.

Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 302 - That HB 302 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 321 - That HB 321 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 349 - That consideration on HB 349 be passed. Motion failed as follows:

Ayes: Blaylock, Christiaens, Eck, Himsl, Jacobson, Lynch, D. Manning, Mazurek, Regan, Story, Towe.
Total 11

Noes: Aklestad, Berg, Conover, Crippen, Dover, Elliott, Etchart, Gage, Goodover, Graham, Hager, Halligan, Hazelbaker, Keating, Kolstad, Lane, Lee, R. Manning, Marbut, McCallum, Norman, Ochsner, Severson, Shaw, Thomas, Mr. President.
Total 26

Excused: Tveit, Van Valkenburg.

Total 2

Absent or not voting: Boylan, Brown, Daniels, Fuller, Galt, Haffey, Hammond, Mohar, Smith, Stimatz, Turnage.
Total 11

That HB 349 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 373 - That HB 373, third reading copy, be amended by adding the following statement of intent:

Statement of Intent
HB 373

A statement of intent is required for House Bill No. 373 because section 4 grants rulemaking or licensing authority to the Board of Water Well Contractors.

The purpose of the Board is to assure that only quality contractors are licensed. The bill provides for bonding at $4,000 to enforce the compliance with the rules adopted by the Board.

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

That HB 373, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 472 - That HB 472, third reading copy, be amended by adding the following statement of intent:

Statement of Intent
HB 472

A statement of intent is required for this bill because it expands the rulemaking authority of the hard-rock mining impact board.

(1) The legislature intends, under Section 2, that the hard-rock mining impact board be authorized to adopt rules under the Montana Administrative Procedure Act that will facilitate and effectuate its role as a Quasi-Judicial Board responsible for administering the Hard-Rock Mining Impact Act. The rules must ensure that implementation of the act is consistent with the purpose of mitigating local government impacts that may result from the commencement of large-scale hard-rock mineral developments in the state.

(2) The legislature intends that the board adopt rules for implementing Section 3 by establishing criteria that the board will use when making decisions on whether or not to grant a requested 30-day extension to an impact review period.

(3) The legislature further intends that the board adopt rules implementing Section 5 that provide:

(a) a procedure for conducting hearings on objections to proposed impact plan amendments that is consistent with the Montana Administrative Procedure Act; and

(b) a list of factors that will be used to determine the validity of objections to the proposed impact plan amendments.

The rulemaking authority granted in this bill is intended to supersede the existing authority that the hard-rock mining impact board has pursuant to Chapter 617, Laws of 1981.

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.

Total 2

Absent or not voting: None.
Total 0

That HB 472, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 501 - That HB 501 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 46

Noes: Eck, Regan.
Total 2

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 506 - That HB 506 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 522 - That HB 522 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 525 - That HB 525 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 547 - That HB 547 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 631 - That HB 631, without objection, be moved below HB 655.

HB 632 - That HB 632 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 655 - That HB 655 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 631 - That HB 631, third reading copy, be amended as follows:

1. Strike: amendment 1

Amendment failed as follows:

Ayes: Berg, Boylan, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Jacobson, Lane, Lynch, Mazurek, Mohar, Regan, Stimatz, Thomas, Towe.
Total 18

Noes: Aklestad, Blaylock, Brown, Crippen, Dover, Etchart, Gage, Goodover, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, R. Manning, Marbut, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Story, Turnage, Mr. President.
Total 27

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: Elliott, Galt, D. Manning.
Total 3

That HB 631 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover,

Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 47

Noes: Blaylock.
Total 1

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 673 - That HB 673, third reading copy, be amended by adding the following statement of intent:

Statement of Intent
HB 673

A statement of intent is required for this bill because of the general rulemaking authorization in section 3 and various other specific authorizations located throughout the remainder of the bill.

The Legislature intends that under the general authorization the Department of Agriculture have authority to adopt any rules it may from time to time consider necessary to properly implement the general provisions and the respective sections relating to public warehousing, commodity dealing, and grain standards.

The Legislature further intends in those sections containing specific rulemaking authorization that rules will be adopted implementing the language, requirements, and procedures stated therein.

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

That HB 673, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.

Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 674 - That HB 674 be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Fuller, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Turnage, Mr. President.
Total 34

Noes: Aklestad, Etchart, Gage, Keating, McCallum, Ochsner, Severson, Shaw, Smith.
Total 9

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: Dover, Galt, Lee, D. Manning, Story.
Total 5

HB 688 - That HB 688 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

HB 525 - That HB 525 be segregated from the Committee of the Whole report. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit, Van Valkenburg.
Total 2

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Marbut moved the adoption of the committee report, as amended. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly enrolled: SB 65, SB 72, SB 87, SB 108, SB 117, SB 127, SB 130, SB 161, SB 209, SB 213, SB 301, SB 302, SB 332, SB 352, SB 353, SB 409, SB 423, SB 430, SB 455, SJR 21.
Examined by the sponsor (Berg) and found to be correct: SB 409, SJR 21.
Examined by the sponsor (Brown) and found to be correct: SB 72, SB 108.
Examined by the sponsor (Christiaens) and found to be correct: SB 353.
Examined by the sponsor (Dover) and found to be correct: SB 117, SB 209, SB 213.
Examined by the sponsor (Halligan) and found to be correct: SB 65, SB 430.
Examined by the sponsor (Hammond) and found to be correct: SB 301, SB 302.
Examined by the sponsor (Hazelbaker) and found to be correct: SB 127.
Examined by the sponsor (Marbut) and found to be correct: SB 332.
Examined by the sponsor (Mazurek) and found to be correct: SB 130.
Examined by the sponsor (Norman) and found to be correct: SB 455.
Examined by the sponsor (Regan) and found to be correct: SB 352.
Examined by the sponsor (Thomas) and found to be correct: SB 87.
Examined by the sponsor (Turnage) and found to be correct: SB 161, SB 423.
Signed by the President at 4:00 p.m., 3/17/83: SB 65, SB 72, SB 87, SB 108, SB 117, SB 127, SB 130, SB 161, SB 209, SB 213, SB 301, SB 302, SB 332, SB 352, SB 353, SB 409, SB 423, SB 430, SB 455, SJR 21.

BUSINESS AND INDUSTRY (Lee, Vice-Chairman):
SJR 19, do pass. Report adopted.
HB 480, be concurred in. Report adopted.

FISH AND GAME (Smith, Chairman):
HB 425, be concurred in. Report adopted.
HB 567, be concurred in. Report adopted.

JUDICIARY (Turnage, Chairman):
HB 179, be concurred in. Report adopted.
HB 617, be concurred in. Report adopted.
HB 629, be concurred in. Report adopted.
HB 807, be concurred in. Report adopted.
HB 857, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 724, third reading copy, be amended as follows:

1. Title, line 9.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

2. Page 3, line 25.
Following: line 24
Strike: "IMPACTS, NOT INCLUDING"
Insert: ","

3. Page 4, line 15.
Following: "date"
Insert: "and termination date"

4. Page 4, line 16.
Following: "1983"
Insert: "and shall terminate June 30, 1987"

And, as amended, be concurred in. Report adopted.

HB 730, third reading copy, be amended as follows:

1. Page 3, line 2.
Strike: "subsection"
Insert: "subsections (2)(a) and"

2. Page 3, line 10.
Following: line 9
Insert: "(1)"

3. Page 3.
Following: line 21
Insert: "(2) In order to accommodate changes in the financial district structure and implementation of the reconstruction program, the department may suspend the 25% overrun limitation on the allocation of federal aid primary funds for fiscal years 1984 and 1985."

And, as amended, be concurred in. Report adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 6:13 p.m., until Friday, March 18, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTY-SECOND LEGISLATIVE DAY

Helena, Montana
March 18, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the sixty-first legislative day, find the same to be correct.

Tveit, Chairman

COMMUNICATIONS AND PETITIONS

A State of Montana Proclamation was read in honor of Walter and Doris Marshall Day.

REPORTS OF STANDING COMMITTEES

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman):
HB 794, third reading copy, be amended as follows:

1. Title, line 9.
Following: "MCA"
Insert: "; PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 4.
Following: line 5
Insert: "NEW SECTION. Section 3. Effective date. This act is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

FISH AND GAME (Smith, Chairman):
HB 335, third reading copy, be amended as follows:

1. Title, line 7.
Following: "PARKS;"
Insert: "TO ESTABLISH A CLASS A-7 COW ELK LICENSE;"

2. Title, line 8.
Following: "~~87-2-505,~~"
Insert: "87-2-505,"

3. Page 2, line 17.
Strike: "B-4—FIVE-DAY"
Insert: "B-4—two-day"

4. Page 2, line 20.
Strike: "$7"
Insert: "$6"

5. Page 2, line 22.
Strike: "5-DAY"
Insert: "2-day"

6. Page 2, line 25.
Strike: "5"
Insert: "2"

7. Page 3, line 14.

Following: "A-6"
Insert: ", A-7"

8. Page 3, line 15.
Following: "licenses."
Insert: "(1)"

9. Page 3, line 24.
Strike: "(1)"
Insert: "(a)"
Renumber: subsequent subsections

10. Page 4, line 2.
Following: "$8"
Insert: ";

(e) Class A-7, cow elk tag, $8.

(2) The holder of a Class A-7 cow elk license is entitled to take surplus cow elk in areas designated by the commission and at such times during the regular big game season as set forth by the commission"

11. Page 4, line 19.
Following: line 18
Insert: "Section 4. Section 87-2-505, MCA, is amended to read:

"87-2-505. Class B-10 nonresident big game combination license. Except as otherwise provided in this chapter, a person not a resident, as defined in 87-2-102, but who will be 12 years of age or older prior to September 15 of the season for which the license is issued may, upon payment of the fee of ~~$275~~ $300 and subject to the limitations prescribed by law and department regulation, apply to the fish and game office, Helena, Montana, to purchase a B-10 nonresident big game combination license which shall entitle the holder to all the privileges of Class B, Class B-1, Class B-7, and black bear licenses, and an elk tag. This license includes the nonresident conservation license as prescribed in 87-2-202. Not more than 17,000 Class B-10 licenses may be sold in any one license year.""
Renumber: subsequent sections

12. Page 13, line 14.
Strike: "7"
Insert: "8"

And, as amended, be concurred in. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
HB 335

A statement of intent is required for House Bill 335 because section 3 provides that the Fish and Game Commission will designate the areas in which surplus cow elk may be taken with a Class A-7 cow elk license. In addition, the Commission may set time during the regular big game season for the taking of surplus cow elk in designated areas.

The intent of the Class A-7 cow elk license is to provide the Commission with the option to issue cow elk licenses. The Commission would, with the appropriate public comment, authorize cow elk licenses to be used in problem areas where additional cow elk need to be harvested. Class A-7 cow elk license holders would not be allowed to harvest a bull elk in the designated areas for the time period authorized by the Commission for the cow elk license.

The Class A-7 cow elk license would not replace the need for or use of the cow elk permits now in place. The Class A-7 cow elk license would provide additional flexibility for the Commission to deal with problems of surplus cow elk, particularly on private land.

LOCAL GOVERNMENT (McCallum, Chairman):
HB 421, be concurred in. Report adopted.
HB 491, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 199, be concurred in. Report adopted.
HB 303, third reading copy, be amended as follows:

1. Page 2, line 1.
Strike: "1983"
Insert: "1984"

And, as amended, be concurred in. Report adopted.

HB 528, third reading copy, be amended as follows:

1. Page 2, line 1.
Following: "the"
Insert: "following"

2. Page 2, line 2.
Following: "formula"
Insert: ":"

3. Page 2, lines 3 and 4.
Strike: "for" through "seat" on line 4

4. Page 2, line 5.
Following: "county"
Insert: "for the person vacating the legislative seat or, if such person was not himself elected, the votes cast for the last person to be elected for the current term"

5. Page 2, line 8.
Following: "DETERMINED."
Insert: "If a vacancy occurs in a holdover senate seat after holdover senators have been assigned to new districts under each reapportionment, the formula must be applied using the votes cast for the senatorial candidates at the last election in which such votes were cast. Such votes shall include only those cast by electors residing in the new senate district for senate candidates of the party to which the person vacating the seat belonged. The secretary of state shall provide an estimate of the number of votes so cast, by county or portion thereof."

And, as amended, be concurred in. Report adopted.

HB 847, be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Lee, Vice-Chairman):
HB 451, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, D. Manning, Marbut, Mazurek, McCallum, Ochsner, Regan, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.

Total 36

Noes: Christiaens, Daniels, Fuller, Haffey, Halligan, Jacobson, Lynch, R. Manning, Mohar, Stimatz, Thomas, Towe, Van Valkenburg.
Total 13

Excused: None.
Total 0

Absent or not voting: Norman.
Total 1

FISH AND GAME (Smith, Chairman):
HB 291, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Lee.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

LOCAL GOVERNMENT (McCallum, Chairman):
HB 171, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

TAXATION (Goodover, Chairman):
HB 645, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum,

Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Blaylock, Eck, R. Manning, Regan.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens March 18, 1983
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 12, 67, 73, 168, 220.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 3/17/83

HB 573, introduced by Schye, et al.

HB 896, introduced by Thoft, et al.

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 3/17/83

SB 94, introduced by Regan, et al.

Senate bills not concurred in and returned to the Senate: 3/17/83

SB 23, introduced by Hager, et al.

SB 140, introduced by Story, Marks

SB 383, introduced by Etchart, Lee

MOTIONS

Senator Van Valkenburg moved that consideration on HB 449, now on second reading, be passed until the 65th legislative day. Motion carried unanimously.

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 573, introduced by Schye, Roush, Addy, Towe, Shontz, E. Smith, Schultz, Dover, Miller. Referred to Committee on Taxation.

HB 896, introduced by Thoft, Winslow, Regan, Blaylock, Towe, J. Jensen, Bengtson, Conover, Crippen, Hager, Turnage, Mazurek, Keating, Williams, Kitselman, Hannah, Driscoll, Asay, Sands, Ramirez, Shontz, Addy, Saunders, Holliday, Dozier, Howe. Referred to Committee on Finance and Claims.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 242, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 349, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 398, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 151, being a Constitutional Amendment requiring a two-thirds vote of the Legislature, was sent to the House with the following vote:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 169 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 200 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Tveit.
Total 1

HB 270 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 427 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Tveit.
Total 1

HB 437 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 39

Noes: Aklestad, Daniels, Dover, Hammond, Jacobson, D. Manning, Marbut, Mazurek, Regan, Story, Turnage.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 489 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 505 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Goodover.
Total 1

HB 530 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 531 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R.

Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 532 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 533 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Mr. President.
Total 1

HB 554 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Etchart, Fuller, Gage, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 39

Noes: Aklestad, Dover, Elliott, Galt, Goodover, Hammond, Ochsner, Shaw, Smith, Tveit, Mr. President.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 568 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 660 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Turnage.
Total 1

HB 670 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Boylan, Hager, Hammond, McCallum, Ochsner, Smith.
Total 6

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 696 concurred in as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 41

Noes: Aklestad, Boylan, Hammond, Kolstad, Lee, McCallum, Ochsner, Smith, Tveit.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 766 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: D. Manning.
Total 1

HB 887 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 12 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Haffey, Halligan, Hazelbaker, Jacobson, Kolstad, Lane, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 30

Noes: Aklestad, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Himsl, Keating, Lee, D. Manning, McCallum, Ochsner, Severson, Shaw, Tveit, Mr. President.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 26 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Fuller, Halligan, Himsl, Mohar, Severson.
Total 5

Excused: None.
Total 0

Absent or not voting: D. Manning.
Total 1

Senator Berg excused at 3:36 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Brown in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 8 - That HB 8, third reading copy, be amended as follows:

1. Page 2, line 16.
Following: "MEANS"
Strike: "AN"
Insert: "a fee simple"

2. Page 2, line 17.
Strike: "OWNED"

3. Page 2, line 18.
Following: "LAND"

Strike: remainder of line 18 through "DEVELOPMENT" on line 20
Insert: "wherein the minerals lie in, on or under"

4. Page 3, line 1.
Strike: lines 1 through 4
Renumber: subsequent sections

Amendment passed as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Berg.
Total 1

Absent or not voting: None.
Total 0

That HB 8, as amended, be concurred in. Motion failed as follows:

Ayes: Boylan, Conover, Eck, Elliott, Galt, Graham, Halligan, Hammond, Keating, Kolstad, Lee, D. Manning, Mohar, Norman, Ochsner, Shaw, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg.
Total 22

Noes: Aklestad, Blaylock, Brown, Christiaens, Crippen, Dover, Etchart, Fuller, Gage, Goodover, Haffey, Hager, Hazelbaker, Himsl, Jacobson, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Regan, Severson, Turnage, Mr. President.
Total 25

Excused: Berg.
Total 1

Absent or not voting: Daniels, Story.
Total 2

That consideration on HB 8 be passed. Motion failed as follows:

Ayes: Blaylock, Boylan, Conover, Galt, Haffey, Hammond, Jacobson, Lee, Lynch, D. Manning, R. Manning, Marbut, Mohar, Norman, Ochsner, Shaw, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg.
Total 22

Noes: Aklestad, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Hager, Halligan, Hazelbaker, Himsl, Keating, Kolstad, Lane, Mazurek, McCallum, Regan, Severson, Story, Turnage, Mr. President.
Total 27

Excused: Berg.
Total 1

Absent or not voting: None.
Total 0

That HB 8 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Blaylock, Brown, Christiaens, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Hager, Hazelbaker, Himsl, Keating, Kolstad, Lane, Mazurek, McCallum, Regan, Severson, Story, Turnage, Mr. President.
Total 26

Noes: Boylan, Conover, Galt, Haffey, Halligan, Hammond, Jacobson, Lee, Lynch, D. Manning, R. Manning, Marbut, Mohar, Norman, Ochsner, Shaw, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg.
Total 22

Excused: Berg.
Total 1

Absent or not voting: Daniels.
Total 1

HB 234 - That consideration on HB 234 be passed. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Berg.
Total 1

Absent or not voting: None.
Total 0

SJR 5 - That SJR 5 do pass. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Berg.
Total 1

Absent or not voting: None.
Total 0

SJR 22 - That SJR 22 do pass. Motion carried as follows:

Ayes: Aklestad, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Graham, Haffey, Hager, Halligan, Hammond,

Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 43

Noes: Boylan, Dover, Gage, Goodover, Tveit.
Total 5

Excused: Berg.
Total 1

Absent or not voting: Galt.
Total 1

HB 68 - That HB 68, third reading copy, be amended as follows:

1. Strike: statement of intent

Amendment passed as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Berg.
Total 1

Absent or not voting: None.
Total 0

That HB 68, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Berg.
Total 1

Absent or not voting: None.
Total 0

HB 136 - That HB 136 be concurred in. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl,

Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Berg.
Total 1

Absent or not voting: None.
Total 0

HB 179 - That HB 179 be concurred in. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Berg.
Total 1

Absent or not voting: None.
Total 0

HB 185 - That HB 185 be concurred in. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Berg.
Total 1

Absent or not voting: None.
Total 0

HB 342 - That HB 342 be concurred in. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 49

Noes: None.
Total 0

Excused: Berg.
Total 1

Absent or not voting: None.
Total 0

HB 401 - That HB 401 be concurred in. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Berg.
Total 1

Absent or not voting: None.
Total 0

HB 539 - That HB 539 be concurred in. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Berg.
Total 1

Absent or not voting: None.
Total 0

HB 548 - That HB 548 be concurred in. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Eck, Fuller, Halligan, Himsl.
Total 4

Excused: Berg.

Total 1

Absent or not voting: Galt, Lane.
Total 2

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Brown moved the adoption of the committee report. Report adopted.

Senate recessed at 4:56 p.m.

Senate resumed at 5:05 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SJR 19.
Correctly enrolled: SB 200, SB 224, SB 243, SB 400.
Examined by the sponsor (Brown) and found to be correct: SB 400.
Examined by the sponsor (Towe) and found to be correct: SB 243.
Examined by the sponsor (Tveit) and found to be correct: SB 224.
Examined by the sponsor (Van Valkenburg) and found to be correct: SB 200.
Signed by the President at 3:30 p.m., 3/18/83: SB 200, SB 224, SB 243, SB 400, HB 51, HB 67, HB 84, HB 131, HB 144, HB 263, HB 412, HB 763.
Delivered to the Governor for his approval at 9:00 a.m., 3/18/83: SB 22, SB 62, SB 132, SB 141, SB 146, SB 153, SB 163, SB 180, SB 212, SB 230, SB 239, SB 240, SB 285, SB 369.
Delivered to the Governor for his approval at 3:40 p.m., 3/18/83: SB 4, SB 70, SB 158, SB 177, SB 195, SB 196, SB 226, SB 236.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
HB 118, third reading copy, be amended as follows:

1. Page 1, line 15.
Strike: "$50"
Insert: "$35"

And, as amended, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman):
HB 822, be concurred in. Report adopted.

JUDICIARY (Turnage, Chairman):
HB 825, third reading copy, be amended as follows:

1. Page 3, line 21.
Following: "or"
Strike: "license"
Insert: "other interest"

2. Page 4, line 4.
Following: "taken,"
Strike: "it must appear"
Insert: "the plaintiff must show by a preponderance of the evidence that the public interest requires the taking based on the following findings"

3. Page 4, lines 11 and 12.

Following: "(4)"
Strike: remainder of line 11 and line 12 in its entirety
Insert: "that an effort to obtain the interest sought to be condemned was made by submission of a written offer and that such offer was rejected."

4. Page 4, line 13.
Strike: line 13 in its entirety

5. Page 5, lines 2 through 6.
Following: "thereon."
Strike: remainder of line 2 through "complaint" on line 6
Insert: "A summons served under this chapter must contain a notice to the defendant to file and serve an answer. Within six months from the date the summons is served, unless the court shortens or enlarges that time for good cause, the court shall commence its trial on the issue of whether a preliminary condemnation order should be issued"

6. Page 7, line 22.
Following: "~~or judge~~"
Strike: "is satisfied"
Insert: "finds and concludes"

7. Page 8, line 1.
Strike: line 1 through "appear"
Insert: "plaintiff has met his burden of proof under 70-30-111"

8. Page 9, line 6.
Strike: ""
Insert: "(4) After a complaint as described in 70-30-203 is filed and prior to the issuance of the preliminary condemnation order, all parties shall proceed as expeditiously as possible, but without prejudicing any party's position, with all aspects of the preliminary condemnation proceeding including discovery and trial. The court shall give such proceedings expeditious and priority consideration.""

9. Page 13, line 25.
Strike: "answer"
Insert: "statement of claim of just compensation"

10. Page 14, line 11.
Following: line 10
Insert: "(2) If the defendant fails to file a statement of claim of just compensation within the time specified in 70-30-207, the plaintiff may obtain an order for possession provided for in subsection (1), subject to the condition subsequent that a plaintiff's payment into court shall be made within 10 days of receipt of the defendant's statement of claim."
Renumber: subsequent subsections

And, as amended, be concurred in. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
HB 651, be concurred in. Report adopted.

NATURAL RESOURCES (Dover, Chairman):
HB 228, third reading copy, be amended as follows:

1. Title, line 8.
Following: "RULES"
Insert: "AFTER AN APPLICATION FOR AN ENVIRONMENTAL PERMIT HAS BEEN COMPLETED"

2. Page 2, line 13.
Following: "made"
Strike: "commitments"
Insert: "a financial commitment after completing an application for an environmental permit"

3. Page 2, line 16.
Strike: "rules"
Insert: "requirements in such a permit"

4. Page 2, line 17.
Following: "detriment."
Insert: "Therefore, when a person makes a financial commitment after completing an application for an environmental permit, it is the policy of the state not to change the requirements in such a permit to the detriment of such persons except upon a showing of clear and convincing evidence of a need to protect the public health, the environment, or to comply with federal regulations."

And, as amended, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
HB 96, be concurred in. Report adopted.
HB 420, be concurred in. Report adopted.
HB 513, be concurred in. Report adopted.
HB 671, be concurred in. Report adopted.
HB 687, be concurred in. Report adopted.
HB 699, be concurred in. Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Brown in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 560 - That HB 560 be concurred in. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Berg.
Total 1

Absent or not voting: None.
Total 0

HB 606 - That HB 606 be concurred in. Motion carried as follows:

Ayes: Aklestad, Brown, Christiaens, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan,

Hammond, Hazelbaker, Jacobson, Keating, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 32

Noes: Blaylock, Boylan, Conover, Dover, Gage, Himsl, Kolstad, Lane, Lee, Lynch, Regan, Tveit, Mr. President.
Total 13

Excused: Berg.
Total 1

Absent or not voting: D. Manning, Norman, Severson, Smith.
Total 4

HB 638 - That HB 638 be concurred in. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Berg.
Total 1

Absent or not voting: None.
Total 0

HB 639 - That HB 639 be concurred in. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Berg.
Total 1

Absent or not voting: None.
Total 0

HB 741 - That HB 741 be concurred in. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 49

Noes: None.
Total 0

Excused: Berg.
Total 1

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion failed as follows:

Ayes: Boylan, Conover, Daniels, Etchart, Gage, Halligan, Lee, Mazurek, McCallum, Norman, Ochsner, Story, Van Valkenburg.
Total 13

Noes: Aklestad, Blaylock, Brown, Christiaens, Crippen, Dover, Eck, Elliott, Fuller, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, D. Manning, R. Manning, Regan, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 30

Excused: Berg.
Total 1

Absent or not voting: Galt, Kolstad, Marbut, Mohar, Severson, Shaw.
Total 6

HB 802 - That HB 802, third reading copy, be amended as follows:

1. Page 3, line 22.
Following: ";"
Insert: "and"

2. Page 3, line 23.
Strike: subsection (p) in its entirety
Renumber: subsequent subsection

3. Page 22, line 3.
Strike: subsection (5) in its entirety

4. Page 24, line 16.
Following: "CHAPTER"
Strike: remainder of line 16 through "80-8-306" on line 17

That consideration on HB 802 be passed. Motion carried as follows:

Ayes: Aklestad, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Elliott, Etchart, Fuller, Gage, Goodover, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Severson, Smith, Story, Thomas, Van Valkenburg, Mr. President.
Total 34

Noes: Blaylock, Daniels, Eck, Graham, Haffey, Halligan, D. Manning, Regan, Towe, Turnage, Tveit.
Total 11

Excused: Berg.
Total 1

Absent or not voting: Galt, Norman, Shaw, Stimatz.
Total 4

HJR 19 - That HJR 19 be concurred in. Motion carried as follows:

Ayes: Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Aklestad, Dover, Graham, Keating, Mohar.
Total 5

Excused: Berg.
Total 1

Absent or not voting: None.
Total 0

HB 525 - That HB 525, third reading copy, be amended as follows:

1. Strike: amendments 1 through 4

That consideration on HB 525 be passed. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Berg.
Total 1

Absent or not voting: None.
Total 0

HB 606 - That HB 606 be segregated from the Committee of the Whole report. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Daniels.
Total 1

Excused: Berg.
Total 1

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Brown moved the adoption of the committee report, as amended. Report adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 5:56 p.m., until Saturday, March 19, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTY-THIRD LEGISLATIVE DAY

Helena, Montana
March 19, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except McCallum, Van Valkenburg, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the sixty-second legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly engrossed: SJR 5, SJR 22.
Signed by the President at 11:30 a.m., 3/19/83: HB 164, HB 180, HB 208.
Signed by the President at 2:00 p.m., 3/19/83: HB 124, HB 135, HB 140, HB 157, HB 201, HB 218, HB 272, HB 274, HB 286, HB 298, HB 352, HB 498, HB 546, HB 577, HB 619, HB 644, HB 658, HB 659, HB 679, HB 680, HB 693, HB 861, HJR 20, HJR 23, HJR 27.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
HB 529, be concurred in. Report adopted.
HB 572, be concurred in. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
HB 572

A statement of intent is required for this bill in that it delegates rulemaking authority to the commissioner of insurance in section 1, 2, and 6.

Although 33-1-313, MCA, delegates to the commissioner of insurance rulemaking authority to effectuate any provisions of the Code, as this bill substantially increases this power, a statement of intent is required.

Section 1 empowers the commissioner of insurance to approve new tables as the minimum standard for reserve calculations for life insurance policies and annuity contracts.

Section 2 empowers the commissioner of insurance to approve new tables as the minimum standard for reserve calculations for annuity and pure endowment contracts.

Section 6 allows the insurance commissioner to promulgate regulations pertaining to the calculation of reserves for insurance policies and annuity contracts not included in the original Valuation Law.

HB 592, be concurred in. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
HB 592

A Statement of Intent is required for this bill in that it delegates rulemaking authority to the Commissioner of Insurance in Sections 6 and 7.

Although 33-1-313, MCA, delegates to the Commissioner of Insurance rulemaking authority to effectuate any provisions of the Code, as this bill substantially increases this power, a Statement of Intent is required.

Section 6(8)(g) empowers the Commissioner of Insurance to approve by regulation new mortality tables.

Section 7 allows the Commissioner of Insurance to promulgate regulations pertaining to those plans of life insurance not included in the original Nonforfeiture Law. Such regulations would define minimum cash values and other nonforfeiture values.

HB 701, third reading copy, be amended as follows:

1. Title, line 7.
Strike: "IMMEDIATE"

2. Page 1, line 20.
Following: "FEE."
Insert: "The fees shall be set to recover 80% of the costs of administering the program for the supervision of banks, trust companies, and investment companies."

3. Page 3, line 11.
Strike: "ON PASSAGE AND APPROVAL"
Insert: "July 1, 1983"

And, as amended, be concurred in. Report adopted.

HB 710, be concurred in. Report adopted.

HB 853, third reading copy, be amended as follows:

1. Statement of Intent, page 2, line 3.
Following: line 2
Insert: "It is the intent of the legislature, that if the board decides to authorize new forms of racing not currently engaged in in Montana, it shall do so after holding public hearings to determine the effects of these forms of racing on the existing saddle racing program in Montana. The board should consider both economic and safety impacts on the existing racing and breeding industry."

2. Page 10, line 15.
Following: "~~year~~."
Insert: "If the board decides to authorize new forms of racing not currently engaged in in Montana, it shall do so after holding public hearings to determine the effects of these forms of racing on the existing saddle racing program in Montana. The board should consider both economic and safety impacts on the existing racing and breeding industry."

3. Page 12, line 3.
Strike: "at a race course in this state"

4. Page 17, line 15.
Following: "department"
Insert: ", after first passing through the board's agency fund account,"

And, as amended, be concurred in. Report adopted.

HJR 14, third reading copy, be amended as follows:

1. Page 2, line 5.
Following: "enact"
Insert: "S.623,"

2. Page 2, line 7.
Strike: "1982"
Insert: "1983"

And, as amended, be concurred in. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
HB 193, be concurred in. Report adopted.
HB 399, be concurred in. Report adopted.
HB 459, be concurred in. Report adopted.
HB 602, be concurred in. Report adopted.
HB 634, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
HB 182, third reading copy, be amended as follows:

1. Strike: statement of intent in its entirety

2. Title, line 6.
Following: "THERAPISTS;"
Strike: remainder of line 6 through "REQUIREMENTS;" on line 7

3. Title, line 8.
Strike: "37-11-203, 37-11-301, 37-11-304,"

4. Title, line 9.
Following: "37-11-307"
Strike: ","

5. Page 1, line 13.
Strike: sections 1 through 3 in their entirety
Renumber: subsequent sections

6. Page 3, line 24.
Following: "chapter."
Insert: "Those applicants who have been licensed in another state or territory by examination other than the examination recognized under this chapter may be considered for licensure by the board if the requirements for a physical therapy license in the state or territory in which the applicant was tested were at least equal to those requirements in force in this state at that time."

7. Page 3, line 25.
Strike: ", AFTER JUNE 30, 1985,"

8. Page 4, line 20.
Strike: section 6 in its entirety
Renumber: subsequent sections

9. Page 5, line 2.
Strike: section 7 in its entirety
Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
HB 527, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Christiaens, Crippen, Daniels, Eck, Elliott, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, D. Manning, R. Manning, Norman, Regan, Severson, Shaw, Smith, Stimatz, Towe, Turnage, Tveit, Mr. President.

Total 33

Noes: Brown, Etchart, Lynch, Mazurek, Mohar.
Total 5

Excused: McCallum, Van Valkenburg.
Total 2

Absent or not voting: Boylan, Conover, Dover, Fuller, Hammond, Keating, Marbut, Ochsner, Story, Thomas.
Total 10

BUSINESS AND INDUSTRY (Lee, Vice-Chairman):

HB 571, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Severson, Shaw, Stimatz, Towe, Turnage, Tveit, Mr. President.
Total 37

Noes: Hager.
Total 1

Excused: McCallum, Van Valkenburg.
Total 2

Absent or not voting: Conover, Dover, Fuller, Hammond, Keating, Marbut, Ochsner, Smith, Story, Thomas.
Total 10

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

March 19, 1983

Dear Mr. President:

This is to inform you that I have signed the following measure this date:

Senate bill 103.

Sincerely,

Ted Schwinden
Governor

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

March 19, 1983

The Honorable Daniel Kemmis
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Stephens and Representative Kemmis:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill

No. 92 "AN ACT TO AUTHORIZE THE ADMINISTRATIVE CODE COMMITTEE TO OBJECT TO ANY RULE UPON THE GROUND THAT IT WAS ADOPTED IN SUBSTANTIAL VIOLATION OF THE PROCEDURAL OR SUBSTANTIVE AUTHORITY DELEGATED TO THE AGENCY; REQUIRING THE AGENCY, AFTER OBJECTION BY THE COMMITTEE, TO PROVE THE LAWFULNESS OF THE RULE; ALLOWING COST AND ATTORNEY FEES AGAINST THE AGENCY IF THE RULE IS INVALIDATED BY COURT JUDGMENT; AMENDING SECTION 2-4-506, MCA," without my signature and recommend the following amendments.

House Bill No. 92, as passed, allows a court in Section 1(4) to award costs and reasonable attorney fees against an agency if it failed to meet the burden of proof imposed by this Act — even if the agency acted in good faith. The amendment I am proposing would allow a court to award costs and fees against an agency if the agency failed to meet the burden of proof, and if the agency adopted the rule in arbitrary or capricious disregard for the purposes of the authorizing statute. Good faith state actions should not be penalized.

Furthermore, language on page 3, line 13 of House Bill No. 92 provides that a bill can be declared invalid if it "was not adopted in substantial compliance with 2-4-302, 2-4-303, and 2-4-305." However, Section 2-4-305(7), an existing provision in the Administrative Procedure Act, already provides that a rule is invalid unless adopted in substantial compliance with those sections. In the second amendment, I am proposing to delete this repetitive language from House Bill No. 92.

I urge your concurrence in these amendments.

Governor's Proposed Amendments
to HB 92

1. Page 2, line 23.
Following: "subsection"
Insert: "and the court finds that the rule was adopted in arbitrary and capricious disregard for the purposes of the authorizing statute"

2. Page 3, line 13.
Following: "INTENT"
Strike: "OR WAS NOT in substantial compliance with 2-4-302, 2-4-303, and 2-4-305"

Sincerely,

Ted Schwinden
Governor

March 19, 1983

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Daniel Kemmis
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Stephens and Representative Kemmis:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill

No. 82, "AN ACT AUTHORIZING SPECIAL LICENSE PLATES FOR VETERANS WITH 100-PERCENT SERVICE-CONNECTED DISABILITIES FOR HANDICAPPED INDIVIDUALS AND FOR FORMER PRISONERS OF WAR; AND PROVIDING A DELAYED EFFECTIVE DATE," without my signature and recommend the attached amendment for the following reasons.

Under Section 4, the holder of special license plates who disposes of his vehicle "shall" affix those plates to another vehicle "that meets the requirements of [section 1, 2, or 3]." First, Sections 1, 2, and 3 do not prescribe requirements for motor vehicles, but rather establishes a procedure for obtaining special license plates. Secondly, the mandatory language of Section 4 overlooks the situation where a special license plate holder does not acquire another vehicle.

For clarification, I am proposing amendments to authorize rather than require the placement of special plates on another vehicle and to eliminate the requirement that the other vehicle meet the requirements of Sections 1, 2, and 3.

I urge your concurrence in these amendments.

Governor's Proposed Amendments
to SB 82

1. Page 2, line 24.
Following: "and"
Insert: "may"

2. Page 2, lines 24 and 25.
Following: "vehicle" on line 24
Strike: "that meets the requirements of [section 1, 2, or 3]"

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed as amended and transmitted to the Senate for concurrence: 3/18/83

HB 17, introduced by Waldron, et al.

HB 446, introduced by D. Brown, et al.

HB 582, introduced by Switzer, Mueller

Senators McCallum and Van Valkenburg present at 3:23 p.m.

MOTIONS

Senator Story moved that consideration on HB 802 be passed and that it be placed on second reading on Tuesday, March 22, 1983, the 65th legislative day. Motion carried unanimously.

Senator Smith moved that HB 724 be taken from second reading and that it be referred to the Committee on Finance and Claims. Motion carried as follows:

Ayes: Aklestad, Boylan, Brown, Christiaens, Conover, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Hager, Hammond, Himsl, Keating, Kolstad, Lane, Lee, D. Manning, Marbut, Mohar, Ochsner, Regan,

Severson, Shaw, Smith, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 34

Noes: Berg, Blaylock, Crippen, Daniels, Etchart, Haffey, Halligan, Hazelbaker, Jacobson, Lynch, R. Manning, Mazurek, McCallum, Norman, Thomas, Turnage.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BUSINESS AND INDUSTRY (Kolstad, Chairman):

HB 290, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Lee.
Total 1

Excused: None.
Total 0

Absent or not voting: Keating, Thomas.
Total 2

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 17, introduced by Waldron, Elliott, Tveit, Stimatz, Pistoria, Lynch, Connelly, (By Request of the Joint Subcommittee on Highways). Referred to Committee on Taxation.

HB 446, introduced by D. Brown, Fabrega, Iverson, Quilici, Ellison, Pavlovich, Roush, Hand, Daily, Darko, Eck, Lynch, Saunders, Harrington, Halligan, (By Request of the Hard-Rock Mining Subcommittee). Referred to Committee on Taxation.

HB 582, introduced by Switzer, Mueller. Referred to Committee on Taxation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 222 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Mr. President.
Total 1

HB 296 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Regan.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 301 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 302 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning,

Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Keating.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 321 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 349 concurred in as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Aklestad, Boylan.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 373 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Smith.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 472 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Turnage.
Total 1

HB 501 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 47

Noes: Eck, Regan.
Total 2

Excused: None.
Total 0

Absent or not voting: Mr. President.
Total 1

HB 506 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: McCallum, Ochsner.
Total 2

Excused: None.
Total 0

Absent or not voting: Severson.
Total 1

HB 522 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 547 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 631 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 632 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Marbut.
Total 1

HB 655 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 673 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 674 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek,

McCallum, Mohar, Norman, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 45

Noes: Aklestad, Ochsner, Shaw.
Total 3

Excused: None.
Total 0

Absent or not voting: Elliott, Mr. President.
Total 2

HB 688 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Mr. President.
Total 1

HB 712 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Shaw.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 776 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Aklestad, Brown, Elliott, Hager, Himsl, Mohar, Shaw.

Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 873 concurred in as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 41

Noes: Aklestad, Boylan, Elliott, Galt, Keating, Ochsner, Shaw, Mr. President.
Total 8

Excused: None.
Total 0

Absent or not voting: D. Manning.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Story in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 525 - That HB 525, third reading copy, be amended as follows:

1. Strike: amendment 4

Amendment passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Galt, Graham, Haffey, Halligan, Himsl, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 27

Noes: Aklestad, Elliott, Etchart, Gage, Goodover, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lee, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 19

Excused: None.
Total 0

Absent or not voting: Dover, Marbut, McCallum, Ochsner.
Total 4

That HB 525, as amended, be concurred in.

Substitute motion that HB 525, as amended, be not concurred in. Motion carried as follows:

Ayes: Aklestad, Boylan, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Severson, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 26

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Regan, Stimatz, Towe, Van Valkenburg.
Total 20

Excused: None.
Total 0

Absent or not voting: Daniels, Norman, Ochsner, Shaw.
Total 4

HB 234 - That HB 234, being a Constitutional Amendment, be concurred in by the Senate pursuant to Rule 6-28 and advance to third reading. Motion carried as follows:

Ayes: Aklestad, Boylan, Conover, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Mr. President.
Total 30

Noes: Berg, Blaylock, Brown, Christiaens, Eck, Fuller, Haffey, Halligan, Jacobson, Lee, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Towe, Van Valkenburg.
Total 19

Excused: None.
Total 0

Absent or not voting: Daniels.
Total 1

HB 606 - That HB 606, third reading copy, be amended as follows:

1. Strike: amendments 1 and 3 in their entirety

Amendment passed as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Eck, Elliott, Fuller, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 25

Noes: Aklestad, Boylan, Crippen, Daniels, Dover, Etchart, Gage, Galt, Goodover, Hammond, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, McCallum, Ochsner, Severson, Shaw, Smith, Turnage, Tveit, Mr. President.
Total 24

Excused: None.
Total 0

Absent or not voting: Story.
Total 1

That HB 606, third reading copy, be further amended as follows:

1. Page 3, line 24.
Following: "$5"
Insert: "when a person is convicted of a violation involving a speed not greater than 65 miles per hour and not to exceed $50 when a person is convicted of a violation involving a speed in excess of 65 miles per hour"

That consideration on HB 606 be passed. Motion carried as follows:

Ayes: Aklestad, Boylan, Brown, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hammond, Jacobson, Kolstad, Lane, Lynch, Marbut, Mazurek, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 25

Noes: Berg, Blaylock, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Hazelbaker, Himsl, Keating, Lee, D. Manning, R. Manning, Mohar, Norman, Regan, Stimatz, Thomas, Van Valkenburg.
Total 23

Excused: None.
Total 0

Absent or not voting: Hager, Towe.
Total 2

SJR 19 - That SJR 19 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 196 - That HB 196 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 224 - That HB 224 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 425 - That HB 425 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 461 - That HB 461 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 480 - That HB 480 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 519 - That HB 519 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 542 - That HB 542 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator McCallum excused at 4:45 p.m.

HB 567 - That HB 567 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan,

Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, D. Manning, R. Manning, Mohar, Norman, Severson, Shaw, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 34

Noes: Boylan, Etchart, Hammond, Kolstad, Marbut, Ochsner.
Total 6

Excused: McCallum.
Total 1

Absent or not voting: Blaylock, Brown, Hager, Lee, Mazurek, Regan, Smith, Thomas, Turnage.
Total 9

HB 617 - That HB 617 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

HB 629 - That HB 629 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

HB 730 - That consideration on HB 730 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson,

Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

HB 746 - That HB 746 be concurred in. Motion failed as follows:

Ayes: Brown, Daniels, Elliott, Etchart, Haffey, Halligan, Hazelbaker, Himsl, Keating, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Ochsner, Severson, Shaw, Smith, Stimatz, Towe, Tveit, Van Valkenburg.
Total 23

Noes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Dover, Eck, Fuller, Gage, Galt, Goodover, Graham, Hammond, Jacobson, Kolstad, Lane, Lee, Norman, Regan, Story, Turnage, Mr. President.
Total 24

Excused: McCallum.
Total 1

Absent or not voting: Hager, Thomas.
Total 2

That HB 746 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Crippen, Dover, Eck, Gage, Galt, Goodover, Graham, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lee, R. Manning, Norman, Regan, Story, Turnage, Mr. President.
Total 24

Noes: Brown, Conover, Daniels, Elliott, Etchart, Fuller, Haffey, Halligan, Himsl, Lane, Lynch, D. Manning, Marbut, Mazurek, Mohar, Ochsner, Severson, Shaw, Smith, Stimatz, Towe, Tveit, Van Valkenburg.
Total 23

Excused: McCallum.
Total 1

Absent or not voting: Hager, Thomas.
Total 2

HB 774 - That HB 774, third reading copy, be amended as follows:

1. Strike: amendment 1

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

That HB 774, as amended, be concurred in. Motion failed as follows:

Ayes: Berg, Blaylock, Brown, Crippen, Eck, Elliott, Fuller, Hazelbaker, Jacobson, Keating, Lynch, D. Manning, Marbut, Mazurek, Mohar, Regan, Severson, Shaw, Towe, Turnage, Van Valkenburg.
Total 21

Noes: Aklestad, Christiaens, Conover, Daniels, Dover, Etchart, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Himsl, Kolstad, Lane, R. Manning, Ochsner, Smith, Stimatz, Story, Tveit, Mr. President.
Total 23

Excused: McCallum.
Total 1

Absent or not voting: Boylan, Hager, Lee, Norman, Thomas.
Total 5

That HB 774 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Boylan, Christiaens, Conover, Daniels, Dover, Etchart, Gage, Galt, Goodover, Graham, Halligan, Hammond, Himsl, Jacobson, Kolstad, Lane, R. Manning, Ochsner, Severson, Smith, Stimatz, Story, Tveit, Mr. President.
Total 25

Noes: Berg, Blaylock, Brown, Crippen, Eck, Elliott, Fuller, Haffey, Hazelbaker, Keating, Lynch, D. Manning, Marbut, Mazurek, Mohar, Regan, Shaw, Towe, Turnage, Van Valkenburg.
Total 20

Excused: McCallum.
Total 1

Absent or not voting: Hager, Lee, Norman, Thomas.
Total 4

HB 786 - That HB 786 be concurred in. Motion failed as follows:

Ayes: Blaylock, Daniels, Eck, Fuller, Haffey, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mohar, Regan, Severson, Stimatz, Towe.
Total 15

Noes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Marbut, Mazurek, Norman, Ochsner, Shaw, Smith, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 31

Excused: McCallum.
Total 1

Absent or not voting: Hager, Lee, Thomas.
Total 3

That HB 786 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Halligan, Hammond, Himsl, Keating, Kolstad, Marbut, Mazurek, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 34

Noes: Blaylock, Eck, Haffey, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mohar, Regan, Towe.
Total 11

Excused: McCallum.
Total 1

Absent or not voting: Hager, Hazelbaker, Lee, Thomas.
Total 4

HB 807 - That HB 807 be concurred in. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: Berg, Hager, Lee, Thomas.
Total 4

HB 857 - That HB 857 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

HB 567 - That HB 567 be segregated from the Committee of the Whole report. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker,

Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Regan.
Total 1

Excused: McCallum.
Total 1

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Story moved the adoption of the committee report, as amended. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

JUDICIARY (Turnage, Chairman):

HB 215, be concurred in. Report adopted.
HB 257, be concurred in. Report adopted.
HB 331, third reading copy, be amended as follows:

1. Page 1.
Following: line 17
Insert: "(2) The provisions of subsection (1) do not apply to a bona fide institution of higher education conducting research with human volunteers pursuant to guidelines adopted by the institution or any federal or state agency."
Renumber: subsequent subsection

2. Page 1.
Following: line 21
Insert: "(4) The youth court has jurisdiction of any violation of subsection (1) by a person under 18 years of age."

And, as amended, be concurred in. Report adopted.

HB 370, third reading copy, be amended as follows:

1. Page 2, line 25.
Strike: subsection (4) in its entirety

And, as amended, be concurred in. Report adopted.

HB 467, be concurred in. Report adopted.
HB 618, be concurred in. Report adopted.
HB 678, be concurred in. Report adopted.
HB 855, third reading copy, be amended as follows:

1. Page 6, line 16.
Strike: "July"
Insert: "October"

2. Page 14, line 17.
Strike: "January"
Insert: "October"

3. Page 24, line 23.
Following: "(2),"
Insert: "if"

And, as amended, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, Chairman):
HB 384, be concurred in. Report adopted.
HB 455, be concurred in. Report adopted.
HB 603, be concurred in. Report adopted.
HB 795, be concurred in. Report adopted.

MOTIONS

Senator Towe moved that the Senate reconsider its action in indefinitely postponing HB 8. Motion failed as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Eck, Fuller, Galt, Haffey, Halligan, Hammond, Lynch, D. Manning, R. Manning, Mohar, Norman, Ochsner, Shaw, Smith, Stimatz, Thomas, Towe, Van Valkenburg.
Total 24

Noes: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Gage, Goodover, Graham, Hager, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Marbut, Mazurek, McCallum, Regan, Severson, Story, Turnage, Tveit, Mr. President.
Total 25

Paired: Blaylock, Lynch, Thomas, Ayes; Hager, McCallum, Regan, Noes.

Excused: None.
Total 0

Absent or not voting: Lee.
Total 1

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 6:06 p.m., until Monday, March 21, 1983, at the hour of 2:30 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTY-FOURTH LEGISLATIVE DAY

Helena, Montana
March 21, 1983

Senate Chambers
State Capitol

Senate convened at 2:30 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except D. Manning, Thomas, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the sixty-third legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly engrossed: SJR 19.
Delivered to the Governor for his approval at 9:00 a.m., 3/21/83: SB 65, SB 72, SB 87, SB 108, SB 117, SB 127, SB 130, SB 200, SB 209.
Delivered to the Governor for his approval at 1:30 p.m., 3/21/83: SB 213, SB 243, SB 245, SB 291, SB 301, SB 302, SB 308, SB 332, SB 352, SB 353, SB 400, SB 409, SB 420, SB 423, SB 430, SB 455.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully report as follows:

That the following attaches of the Senate be employed as of 8:00 a.m. on Monday, March 21, 1983:

Karyn Adamson.....Page
David Bornhoft.....Page
Shannon Carey.....Page
Paulette Fasching.....Page
Michael Lauffer.....Page
Andrew Mangels.....Page
Kevin MacQuarrie.....Page
Karen Waymire.....Page
David Wolstein.....Page

And that the following attaches of the Senate be terminated as of 5:00 p.m. on Saturday, March 19, 1983:

Rhonda Benson.....Page
Kimberly Hannon.....Page
Kristin Parker.....Page
Julie Parker.....Page
Shane Sanders.....Page
Lisa Stimatz.....Page
Judi Thompson.....Page

Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
HB 770, third reading copy, be amended as follows:

1. Page 3, line 19.
Following: "SYSTEM"
Strike: remainder of line 19 through "BE" on line 20

Insert: "to serve a parcel of land to be built upon or"

2. Page 3, line 20.
Following: "CONVERTED"
Strike: "INTO"
Insert: "for"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Turnage, Chairman):
HB 376, third reading copy, be amended as follows:

1. Title, lines 4 and 5.
Strike: "GENERALLY REVISING THE LAW ON GRANDPARENT VISITATION RIGHTS"
Insert: "TO ALLOW ALL GRANDPARENTS THE OPPORTUNITY TO SEEK VISITATION RIGHTS WITH THEIR GRANDCHILDREN"

2. Page 1, line 13.
Strike: "A"
Insert: "The district court may grant to a"

3. Page 1, lines 14 and 15.
Following: "grandparent"
Strike: remainder of line 14 through "grandchild" on line 15
Insert: "of a child reasonable visitation rights"

4. Page 1, line 18.
Strike: ":"
Insert: "the visitation would be in the best interest of the child."

5. Page 1, lines 20 through page 3, line 2.
Strike: line 20 on page 1 through "proceeding." on line 2 on page 3
Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

HB 731, be concurred in. Report adopted.
HB 789, be concurred in. Report adopted.
HB 811, be concurred in. Report adopted.
HB 812, third reading copy, be amended as follows:

1. Title, line 7.
Following: "DEED"
Insert: "AND ANY ASSIGNEE OR SUCCESSOR OF SUCH A PURCHASER"

2. Page 1, line 18.
Following: "means"
Insert: ": (a)"

3. Page 1, line 20.
Strike: "(A)"
Insert: "(i)"

4. Page 1, line 25.
Strike: "(B)"
Insert: "(ii)"

5. Page 2.
Following: line 1
Insert: "(b) any assignee or successor of a person included under subsection (a), if such assignee or successor has also recorded the

contract or an abstract of the contract in accordance with Title 70, chapter 21."

And, as amended, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, Chairman):
HB 390, third reading copy, be amended as follows:

1. Page 6, line 16.
Following: "parties"
Strike: "at state or local levels"

And, as amended, be concurred in. Report adopted.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
HB 646, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Boylan, Brown, Crippen, Daniels, Dover, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lee, Lynch, McCallum, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Mr. President.
Total 31

Noes: Berg, Blaylock, Christiaens, Conover, Eck, Fuller, Halligan, Lane, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Towe, Van Valkenburg.
Total 16

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: Gage.
Total 1

HB 762, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Mazurek, McCallum, Mohar, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Mr. President.
Total 40

Noes: Blaylock, Eck, Halligan, Marbut, Norman, Regan, Van Valkenburg.
Total 7

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: Gage.
Total 1

LABOR AND EMPLOYMENT RELATIONS (Aklestad, Chairman):
HB 300, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Boylan, Brown, Conover, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 29

Noes: Berg, Blaylock, Christiaens, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 19

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

LOCAL GOVERNMENT (McCallum, Chairman):

HB 282, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Fuller, R. Manning.
Total 2

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 596, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Mr. President.
Total 42

Noes: Eck, Marbut, Mohar, Van Valkenburg.
Total 4

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: Hager, Keating.
Total 2

HB 830, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lee, Lynch, R. Manning, Marbut, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 39

Noes: Eck, Fuller, Halligan, Lane, Mazurek, Mohar, Regan, Towe.

Total 8

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: Hager.
Total 1

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate bills concurred in and returned to the Senate: 3/19/83

SB 19, introduced by Kolstad, Curtiss

SB 56, introduced by Hager

SB 99, introduced by Hager, et al.

SB 157, introduced by B. Brown

SB 185, introduced by Galt, Holliday

SB 206, introduced by Gage

SB 207, introduced by Gage

SB 276, introduced by Aklestad, Manuel

SB 277, introduced by Conover, Mazurek

SB 293, introduced by Hager, Winslow, et al.

SB 297, introduced by H. Hammond, E. Smith

SB 300, introduced by Turnage, Himsl

SB 325, introduced by Christiaens, R. Manning

SB 354, introduced by Christiaens, Wallin

SB 358, introduced by Gage, H. Hammond

SB 373, introduced by Van Valkenburg

SB 387, introduced by Mohar, Darko

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 3/19/83

SB 26, introduced by Mazurek, et al.

SB 319, introduced by Stephens

SB 336, introduced by Daniels

SB 382, introduced by Stimatz, et al.

SB 388, introduced by Blaylock

House bills passed as amended and transmitted to the Senate for concurrence: 3/19/83

HB 544, introduced by Peck, Bengtson, et al.

HB 870, introduced by Fabrega, Halligan

Senate bill not concurred in and returned to the Senate: 3/19/83

SB 339, introduced by Graham, Boylan

SB 346, introduced by McCallum, requiring adoption by an affirmative roll call vote of two-thirds of all the members of the Legislature, failed to pass the House and is returned to the Senate with the following vote:

3/19/83

Senate	House of Representatives
Yeas - 26	Yeas - 21
Nays - 24	Nays - 66

President Pro Tempore Kolstad in the Chair.

MOTIONS

Senator Himsl moved that the Senate reconsider its action on HB 746 which failed second reading on the 63rd legislative day and that it again be placed on second reading. Motion carried as follows:

Ayes: Berg, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Goodover, Haffey, Hager, Halligan, Hammond, Himsl, Keating, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 36

Noes: Aklestad, Blaylock, Boylan, Dover, Gage, Galt, Graham, Hazelbaker, Jacobson, Kolstad, Regan, Story, Mr. President.
Total 13

Paired: Thomas, Aye; Regan, No.

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

Senator Lee moved that the Senate reconsider its action in adopting the adverse committee report on HB 290 and ask the House of Representatives to accede to the request of the Senate to return HB 290 so that it can be placed on second reading. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: Brown, Norman, Story.
Total 3

Senator Van Valkenburg moved that the Senate reconsider its action on the 63rd legislative day in indefinitely postponing HB 786. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Eck, Etchart, Fuller, Haffey, Hager, Halligan, Himsl, Jacobson, Keating,

Kolstad, Lane, Lee, Lynch, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Van Valkenburg.
Total 34

Noes: Aklestad, Dover, Elliott, Gage, Galt, Goodover, Graham, Hammond, Hazelbaker, Tveit, Mr. President.
Total 11

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: Daniels, Marbut, Turnage.
Total 3

FIRST READING OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SJR 24, introduced by Mazurek, Turnage. Referred to Committee on Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 544, introduced by Peck, Bengtson, Hemstad, Brand, Nisbet, Menahan, Daily, Keenan, Darko, Addy, Harrington, J. Jensen, Quilici, Pavlovich, Saunders, Schye, J. Brown, Dozier, Zabrocki, J. Hammond, Jacobson, D. Brown, Hansen, Veleber, Williams, Lynch, Eck, Berg, Thomas, Connelly, Yardley, Howe. Referred to Committee on Taxation.

HB 870, introduced by Fabrega, Halligan, Towe, Iverson, Eck, (By Request of the Environmental Quality Council and Hard-Rock Mining Subcommittee). Referred to Committee on Taxation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJR 5 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: Marbut.
Total 1

SJR 22 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Graham, Haffey, Hager, Halligan,

Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Van Valkenburg.
Total 38

Noes: Boylan, Dover, Gage, Galt, Goodover, Hammond, Lee, Marbut, Tveit, Mr. President.
Total 10

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 68 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Mohar.
Total 1

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 136 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 179 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 47

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: Ochsner.
Total 1

HB 185 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: Hazelbaker.
Total 1

HB 342 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Boylan.
Total 1

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 401 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.

Total 2

Absent or not voting: None.
Total 0

HB 539 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Dover, Marbut, Mazurek, Turnage.
Total 4

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 548 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Eck, Himsl, Lee, Mohar.
Total 4

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 560 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 639 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 638 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 741 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Boylan.
Total 1

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: Daniels.
Total 1

HJR 19 concurred in as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 39

Noes: Aklestad, Boylan, Daniels, Dover, Himsl, Keating, McCallum, Mohar, Severson.
Total 9

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Mazurek in the Chair.

Mr. President Pro Tempore: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 82 - That the Governor's amendments to SB 82 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 606 - That HB 606, third reading copy, be amended as follows:

1. Strike: amendments 1 and 3 in their entirety

Amendment passed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Crippen, Eck, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Towe, Turnage, Tveit, Van Valkenburg.
Total 31

Noes: Aklestad, Boylan, Daniels, Dover, Elliott, Etchart, Gage, Kolstad, Lane, Lee, Lynch, Shaw, Smith, Mr. President.
Total 14

Excused: D. Manning, Thomas.

Total 2

Absent or not voting: Brown, Stimatz, Story.
Total 3

That HB 606, third reading copy, be further amended as follows:

1. Strike: amendment 5 in its entirety

2. Page 3, line 23.
Following: "$5"
Insert: "when convicted of driving not more than 65 miles per hour or $30 when convicted of driving in excess of 65 miles per hour"

3. Page 3, line 24.
Following: "$5"
Insert: "when a person is convicted of a violation involving a speed not greater than 65 miles per hour and $30 when a person is convicted of a violation involving a speed in excess of 65 miles per hour"

That the amendment to HB 606 be divided.

That HB 606, third reading copy, be further amended as follows:

1. Strike: amendment 5 in its entirety

Amendment passed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Crippen, Eck, Elliott, Etchart, Fuller, Graham, Haffey, Halligan, Hammond, Himsl, Jacobson, Keating, Kolstad, Lee, R. Manning, Mohar, Regan, Severson, Towe, Van Valkenburg.
Total 24

Noes: Aklestad, Boylan, Brown, Daniels, Dover, Gage, Galt, Goodover, Hazelbaker, Lane, Lynch, Marbut, Mazurek, McCallum, Ochsner, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 21

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: Hager, Norman, Stimatz.
Total 3

That HB 606, third reading copy, be further amended as follows:

1. Page 3, line 23.
Following: "$5"
Insert: "when convicted of driving not more than 65 miles per hour or $30 when convicted of driving in excess of 65 miles per hour"

2. Page 3, line 24.
Following: "$5"
Insert: "when a person is convicted of a violation involving a speed not greater than 65 miles per hour and $30 when a person is convicted of a violation involving a speed in excess of 65 miles per hour"

Amendment failed as follows:

Ayes: Berg, Blaylock, Christiaens, Eck, Fuller, Graham, Haffey, Halligan, Himsl, Jacobson, Lane, R. Manning, Mohar, Regan, Towe.
Total 15

Noes: Aklestad, Boylan, Brown, Conover, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lee, Lynch, Marbut, Mazurek, McCallum, Ochsner, Severson, Shaw, Smith, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 29

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: Daniels, Norman, Stimatz, Story.
Total 4

That HB 606, third reading copy, be further amended as follows:

1. Page 3, line 24.
Following: "$5"
Insert: "A person who violates the speed limit under 61-8-304 by driving more than 75 miles an hour during daytime hours is guilty of the offense of aggravated waste of a resource and shall be fined $35, in lieu of the fine of $5, and bond for this offense shall be $35.

A person who violates the speed limit under 61-8-304 by driving more than 65 miles an hour during nighttime hours on completed sections of the interstate highway is guilty of aggravated waste of a resource and shall be fined $35, in lieu of the fine of $5, and bond for this offense shall be $35."

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Story, Towe, Turnage, Tveit, Van Valkenburg.
Total 35

Noes: Boylan, Dover, Etchart, Graham, Hammond, Kolstad, Lane, Lee, Lynch, Regan, Smith, Mr. President.
Total 12

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: Stimatz.
Total 1

That HB 606, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Story, Towe, Turnage, Tveit, Van Valkenburg.
Total 38

Noes: Blaylock, Boylan, Dover, Kolstad, Lane, Lee, Regan, Smith, Mr. President.
Total 9

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: Stimatz.
Total 1

HB 730 - That HB 730, third reading copy, be amended as follows:

1. Page 4, line 19.
Strike: subsection (2) in its entirety
Renumber: subsequent subsection

2. Page 5, lines 2 and 3.
Strike: "the"
Following: "~~allocation~~"
Insert: "allocation"
Strike: "allocations"
Insert: "to the trust fund under subsection (1)"
Strike: "provided by subsections (1) and (2)"

3. Page 6, line 19.
Following: line 19
Insert: "(1) Starting July 1, 1986, and ending June 30, 1987, 12% and thereafter 24% to the highway reconstruction trust fund account in the earmarked revenue fund;"
Renumber: subsequent subsection

Amendment failed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Halligan, Jacobson, Lane, Lynch, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 18

Noes: Aklestad, Boylan, Brown, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, Mazurek, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 29

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: R. Manning.
Total 1

That HB 730 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 567 - That HB 567, third reading copy, be amended as follows:

1. Page 1, line 14.
Following: "snare"
Insert: ", except that from March 1 to October 1 of each year a person may remove any snare from land owned or leased by him if such snare would endanger livestock"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

That HB 567, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 96 - That HB 96 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 118 - That HB 118 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 199 - That HB 199, third reading copy, be amended as follows:

1. Page 8, line 15.
Following: "materials"
Insert: "; (3) solicit the cooperation of officials of the various political subdivisions of the state in the proper execution of these plans"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

That HB 199, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.

Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 228 - That HB 228 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 303 - That HB 303 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 335 - That HB 335 be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Kolstad, Lane, Lee, Lynch, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Smith, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 35

Noes: Aklestad, Boylan, Gage, Himsl, Keating, Shaw, Story.
Total 7

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: Elliott, Fuller, Graham, R. Manning, Norman, Stimatz.

Total 6

HB 420 - That HB 420 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 455 - That HB 455 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 459 - That HB 459 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 467 - That HB 467 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 513 - That HB 513 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 528 - That HB 528 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 651 - That HB 651 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning,

Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 671 - That HB 671 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 687 - That HB 687 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 699 - That HB 699 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 794 - That HB 794 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 822 - That HB 822 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President Pro Tempore in the Chair. Chairman Mazurek moved the adoption of the committee report. Report adopted.

At the request of the President Pro Tempore, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly enrolled: SB 101, SB 242, SB 349, SB 398.
Examined by the sponsor (Boylan) and found to be correct: SB 398.
Examined by the sponsor (Dover) and found to be correct: SB 349.
Examined by the sponsor (Gage) and found to be correct: SB 242.

Examined by the sponsor (Graham) and found to be correct: SB 101.
Signed by the President at 5:45 p.m., 3/21/83: SB 101, SB 242, SB 349, SB 398.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
HB 465, third reading copy, be amended as follows:

1. Title, line 10.
Following: "WRITTEN;"
Strike: remainder of line 10 through line 11 in its entirety

2. Title, line 14.
Following: "ORGANIZATIONS;"
Insert: "DEFINING AND PROVIDING FOR THE REGULATION OF "PUBLIC ADJUSTERS";"

3. Title, line 20.
Strike: "33-2-707,"

4. Page 2, line 4.
Following: line 3
Insert: "form of renewal"
Strike: "of insurance"

5. Page 4, line 9.
Following: line 8
Insert: "(7) As to group insurance policies effectuated and delivered outside this state but covering persons resident in this state, group certificates which are delivered or issued for delivery in this state shall be filed with the commissioner upon his request."

6. Page 11, lines 11 through 22.
Strike: section 4 in its entirety
Renumber: subsequent sections

7. Page 13, line 25.
Following: line 24
Insert: "(c) A "public adjuster" is an adjuster employed by and representing the interests of the insured. The commissioner may adopt rules providing for the examination, licensure, bonding, and regulation of public adjusters."

8. Page 17, line 21.
Following: "decision"
Insert: "and the individual is advised of the source of the information"

9. Page 18, line 2.
Following: "mechanism"
Insert: "and the individual is advised of the source of information"

And, as amended, be concurred in. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
HB 465

A statement of intent is required for this bill because it delegates rulemaking authority to the insurance commissioner to adopt rules regarding public adjusters. It is the intent of the Legislature that rules adopted by the commissioner be aimed at protecting the consumer who chooses to use the services of a public adjuster. The rules should provide for an

examination prior to licensing to ensure the competency of the adjuster. The rules may also provide regulation and bonding requirements to ensure that the consumer contracting with the public adjuster is protected in the event the public adjuster does not fulfill his contractual obligation to the consumer.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman):
HB 105, be concurred in. Report adopted.
HJR 21, be concurred in. Report adopted.
HJR 22, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
HB 728, third reading copy, be amended as follows:

1. Title, line 8.
Strike: "SECTION"
Insert: "SECTIONS 7-23-104 AND"

2. Page 2, line 7.
Following: "(2)"
Strike: remainder of line 2 through "imprisonment" on line 10
Insert: "Violation of an ordinance adopted under subsection (1) is a misdemeanor punishable by a fine not to exceed $500"

3. Page 2.
Following: line 16
Insert: "Section 3. Section 7-23-104, MCA is amended to read:

"7-23-104. Violations. Violation of any provision of this part ~~or part 21~~ shall constitute a misdemeanor.""

4. Page 2.
Following: line 16
Insert: "Section 4. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

And, as amended, be concurred in. Report adopted.

HB 792, third reading copy, be amended as follows:

1. Page 1, line 23.
Strike: "as provided in subsection (3) or"

And, as amended, be concurred in. Report adopted.

HB 862, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 424, third reading copy, be amended as follows:

1. Strike: statement of intent in its entirety

And, as amended, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 126, third reading copy, be amended as follows:

1. Title, lines 4 through 6.
Following: "ENTITLED: "AN ACT" on line 2
Strike: line 2 through "DISTRICT;" on line 6

2. Title, lines 9 through 12.

Following: "EXPENSES;" on line 9
Strike: line 9 through "REVOLVING FUND;" on line 12

3. Title, line 12.
Following: "AMENDING"
Strike: "SECTIONS"
Insert: "SECTION"
Following: "7-12-2153"
Strike: "AND 7-12-2182"

4. Page 1, line 22.
Following: "preparation of"
Strike: "annual"

5. Page 2, line 1.
Following: "(2) The"
Insert: "original"

6. Page 2, line 7.
Strike: section 2 in its entirety

And, as amended, be concurred in. Report adopted.

HB 706, be concurred in. Report adopted.

MOTIONS

Senator Boylan moved that the Senate reconsider its action in adopting the adverse committee report on HB 646. Senator Van Valkenburg made a substitute motion that action on Senator Boylan's motion be deferred until the 65th legislative day. Motion failed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Eck, Fuller, Haffey, Halligan, Himsl, Jacobson, Lane, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Towe, Van Valkenburg.
Total 21

Noes: Aklestad, Boylan, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lee, McCallum, Severson, Shaw, Smith, Stimatz, Story, Tveit, Mr. President.
Total 24

Excused: D. Manning, Thomas.
Total 2

Absent or not voting: Brown, Daniels, Turnage.
Total 3

The Senate reverted to the original motion of Senator Boylan that the Senate reconsider its action in adopting the adverse committee report on HB 646. Motion failed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Marbut, Mazurek, Norman, Regan, Towe, Van Valkenburg.
Total 18

Noes: Aklestad, Boylan, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, McCallum, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Mr. President.
Total 28

Excused: D. Manning, Thomas.

Total 2

Absent or not voting: Daniels, Mohar.
Total 2

Senator Van Valkenburg requested that the Chair rule whether HB 234 on third reading requires a two-thirds vote or a majority vote. The Chair ruled that HB 234 requires a two-thirds vote to pass the Senate.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 6:19 p.m., until Tuesday, March 22, 1983, at the hour of 2:30 p.m.

ALLEN C. KOLSTAD
President Pro Tempore of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTY-FIFTH LEGISLATIVE DAY

Helena, Montana
March 22, 1983

Senate Chambers
State Capitol

Senate convened at 2:30 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Kolstad, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the sixty-fourth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Himsl, Chairman):
HB 896, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 329, third reading copy, be amended as follows:

1. Title, line 6.
Following: "CANDIDATE;"
Strike: remainder of line 6

2. Title, line 7.
Strike: "SECTIONS"
Insert: "SECTION"
Strike: "AND 13-37-304"

3. Page 1, line 14.
Following: "morality"
Insert: "or to knowingly misrepresent the voting record or position on public issues of any candidate"

4. Page 1, line 15.
Following: "statement"
Insert: "or representation"

5. Page 1.
Strike: line 18 through "(3)" on page 2, line 9
Insert: "(2)"

6. Page 2, line 10.
Strike: "and the fine provided in subsection (2)"

7. Page 2, line 14 through page 3, line 16.
Strike: section 2 in its entirety

And, as amended, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman):
Minority Report

Minority committee members are:

Senator Berg
Senator Blaylock
Senator Haffey

HB 879, third reading copy, be amended as follows:

1. Statement of Intent, line 7.
Strike: "eliminate"
Insert: "prohibit"

2. Statement of Intent, line 10.
Strike: "eliminate"
Insert: "prohibit"

3. Statement of Intent, lines 10 and 11.
Following: ":" on line 10
Strike: "public school employment;"

4. Title, line 14.
Following: line 13
Strike: "ELIMINATE"
Insert: "PROHIBIT"
Strike: "IN PUBLIC SCHOOL EMPLOYMENT,"

5. Page 2, line 1.
Following: "prohibited."
Strike: "Inequality"
Insert: "Sex-based inequality"

6. Page 2, line 2.
Following: line 1
Strike: "afforded women and girls at all levels"
Insert: "at any level"

7. Page 2, line 7.
Following: "state."
Strike: "Violations" through "society." on line 9

8. Page 2, line 14.
Strike: "eliminate"
Insert: "prohibit"

9. Page 2, line 15.
Strike: "eliminate"
Insert: "prohibit"

10. Page 7, line 9.
Strike: "or guideline"

And, as amended, be concurred in. Thereupon, the minority committee report failed to be adopted as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, R. Manning, Mohar, Norman, Regan, Thomas, Towe, Van Valkenburg.
Total 18

Noes: Aklestad, Boylan, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Lynch, Marbut, Mazurek, McCallum, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Mr. President.
Total 31

Paired: Blaylock, Aye; Kolstad, No.

Excused: None.
Total 0

Absent or not voting: D. Manning.
Total 1

Majority Report

Majority committee members are:

Senator Brown
Senator Smith
Senator Elliott
Senator Gage
Senator McCallum
Senator Severson

HB 879, as amended, be not concurred in. Thereupon, the majority committee report was adopted as follows:

Ayes: Aklestad, Boylan, Brown, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Mr. President.
Total 35

Noes: Berg, Blaylock, Christiaens, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, R. Manning, Mohar, Regan, Thomas, Towe, Van Valkenburg.
Total 15

Paired: Kolstad, Aye; Blaylock, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens March 22, 1983
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 4, 146, 153, 158, 163, 177, 180, 195, 196, 212, 226, 230, 239, 240, 369.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate bill not concurred in as amended and returned to the Senate: 3/21/83

SB 37, introduced by Hager, Etchart

Senate bills concurred in and returned to the Senate: 3/21/83

SB 392, introduced by Elliott, Gage

SB 425, introduced by Regan, Eck, et al.

SB 435, introduced by Fuller, Donaldson

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 3/21/83

SB 246, introduced by B. Brown

SB 403, introduced by Norman

SB 422, introduced by Halligan

SB 432, introduced by E. Smith, Kolstad

SB 445, introduced by B. Brown, E. Smith

SB 453, introduced by Fuller, Kolstad

Senate bill not concurred in and returned to the Senate: 3/21/83

SB 215, introduced by Dover

The House, on 3/19/83, dissolved the conference committee on HB 106 and appointed a free conference committee to meet with a like committee from the Senate to confer on HB 106.

The Speaker appointed the following members:

Representative Roush, Chairman
Representative Pavlovich
Representative Winslow

MOTIONS

Senator Hazelbaker moved that the President be authorized to dissolve the conference committee on HB 106 and that he be authorized to appoint a new free conference committee. Motion carried.

The President appointed the following members:

Senator Lee, Chairman
Senator Shaw
Senator Boylan

Senator Brown moved that HB 544 be taken from the Committee on Taxation and that it be referred to the Committee on Education and Cultural Resources. Motion carried unanimously.

Senator Kolstad present and Senator Brown excused at 3:40 p.m.

Senator R. Manning moved that the Senate reconsider its action in adopting the adverse committee report on HB 300 and that it be placed on second reading. Motion failed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 23

Noes: Aklestad, Boylan, Brown, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 27

Paired: Regan, Aye; Brown, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 82, Governor's amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: Dover, Story.
Total 2

SJR 19 passed as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 41

Noes: Aklestad, Fuller, Hammond, Keating, Mohar.
Total 5

Excused: Brown.
Total 1

Absent or not voting: Hazelbaker, Story, Mr. President.
Total 3

HB 196 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Brown.

Total 1

Absent or not voting: Hager.
Total 1

HB 224 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 48

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: Mr. President.
Total 1

HB 234, being a Constitutional Amendment requiring a two-thirds vote of the Legislature, was sent to the House with the following vote:

Ayes: Aklestad, Boylan, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, D. Manning, R. Manning, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Mr. President.
Total 34

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Eck, Fuller, Halligan, Lynch, Mazurek, Mohar, Norman, Regan, Thomas, Towe, Van Valkenburg.
Total 16

Paired: Aklestad, Aye; Brown, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 425 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.

Total 0

HB 461 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 480 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 519 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 542 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 617 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 629 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: Shaw.
Total 1

HB 807 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning,

Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 857 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Goodover in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 26 - That House amendments to SB 26 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SB 319 - That House amendments to SB 319 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SB 336 - That House amendments to SB 336 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

SB 382 - That House amendments to SB 382 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.

Total 0

SB 388 - That House amendments to SB 388 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 449 - That HB 449, third reading copy, be amended as follows:

1. Title, line 7.
Strike: "AND"
Following: "DATE"
Insert: "AND AN APPLICABILITY DATE"

2. Page 2, line 10.
Following: "17-2-107(3)"
Insert: "or by specific legislative authorization"

3. Page 2, line 14.
Following: "OF"
Insert: ": (a)"

4. Page 2, line 15.
Following: "INSURANCE"
Insert: ";"
Following: "OR"
Strike: remainder of line 15 through "FUND" on line 17
Insert: "(b) payment of expenses which will later be reimbursed by:

(i) contractual receipts due from federal revenue;

(ii) receipts due to the auxiliary and restricted subfunds; or

(iii) receipts due to the loan fund"

5. Page 3, line 21.
Following: line 21
Insert: "NEW SECTION. Section 2. Applicability date. This act applies only to loans made and approved on or after March 1, 1983. Loans made and approved by the department of administration before March 1, 1983, shall be repaid according to the repayment plan previously approved."
Renumber: subsequent section

Amendment passed as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham,

Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Aklestad.
Total 1

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

That HB 449, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 802 - That HB 802, third reading copy, be amended as follows:

1. Page 3, line 22.
Following: ":"
Insert: "and"

2. Page 3, line 23.
Strike: subsection (p) in its entirety
Renumber: subsequent subsection

3. Page 22, line 3.
Strike: subsection (5) in its entirety

4. Page 24, line 16.
Following: "CHAPTER"
Strike: remainder of line 16 through "80-8-306" on line 17

Amendment failed as follows:

Ayes: Boylan, Dover, Elliott, Etchart, Gage, Hager, Hammond, Keating, Lee, McCallum, Severson, Shaw, Smith, Story, Tveit, Mr. President.
Total 16

Noes: Aklestad, Berg, Blaylock, Conover, Crippen, Daniels, Eck, Fuller, Galt, Goodover, Graham, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Stimatz, Thomas, Turnage, Van Valkenburg.

Total 31

Excused: Brown.
Total 1

Absent or not voting: Christiaens, Towe.
Total 2

That HB 802, third reading copy, be amended as follows:

1. Page 23, line 25.
Following: "court."
Insert: "(6) Any person against whom the department has assessed a civil penalty under this section may, within 30 days of the final agency action making the assessment, appeal the assessment to the district court of the county in which the violation is alleged by the department to have occurred. Appeal is by trial de novo, and a jury trial must be granted if requested. Where the provisions of this subsection conflict with 2-4-702 through 2-4-704, the provisions of this subsection govern."

That HB 802, without objection, be moved to the bottom of the board.

HB 825 - That HB 825 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 847 - That consideration on HB 847 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 182 - That HB 182 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 193 - That HB 193 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 215 - That HB 215 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 257 - That HB 257 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover,

Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 331 - That HB 331 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 370 - That consideration on HB 370 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 384 - That HB 384 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson,

Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 399 - That consideration on HB 399 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 421 - That HB 421 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 491 - That HB 491 be concurred in. Motion carried as follows:

Ayes: Berg, Christiaens, Dover, Eck, Etchart, Fuller, Gage, Graham, Haffey, Hager, Halligan, Hammond, Jacobson, Keating, Lane, Lynch, Mazurek, McCallum, Thomas, Towe, Van Valkenburg, Mr. President.
Total 22

Noes: Aklestad, Blaylock, Crippen, Daniels, Elliott, Goodover, Himsl, Marbut, Mohar, Ochsner, Regan, Shaw, Smith.
Total 13

Excused: Brown.
Total 1

Absent or not voting: Boylan, Conover, Galt, Hazelbaker, Kolstad, Lee, D. Manning, R. Manning, Norman, Severson, Stimatz, Story, Turnage, Tveit.
Total 14

HB 529 - That HB 529 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 602 - That HB 602 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Towe.
Total 1

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 603 - That HB 603 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 618 - That HB 618 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 634 - That HB 634 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 678 - That HB 678 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 701 - That HB 701 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 795 - That HB 795 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 853 - That HB 853, third reading copy, be amended as follows:

1. Page 6, line 21.
Following: "in a"
Insert: "Montana"

2. Page 6, line 22.
Following: line 21
Insert: "Montana"

3. Page 6, line 23.
Following: "racehorse"
Insert: ", currently racing in Montana,"

4. Page 6, line 24.
Following: "WAGER"
Strike: "ON"
Insert: "at"

5. Page 14, line 11.
Following: "COSTS"
Insert: "associated with the bonus program,"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover,

Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

That consideration on HB 853 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 855 - That HB 855 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HJR 14 - That HJR 14 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson,

Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

HB 802 - That HB 802, third reading copy, be amended as follows:

1. Page 23, line 25.
Following: "court."
Insert: "(6) Any person against whom the department has assessed a civil penalty under this section may, within 30 days of the final agency action making the assessment, appeal the assessment to the district court of the county in which the violation is alleged by the department to have occurred. Appeal is by trial de novo, and a jury trial must be granted if requested. Where the provisions of this subsection conflict with 2-4-702 through 2-4-704, the provisions of this subsection govern."

Amendment passed as follows:

Ayes: Aklestad, Boylan, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Goodover, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lynch, D. Manning, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 31

Noes: Berg, Christiaens, Conover, Eck, Fuller, Galt, Graham, Halligan, Lane, R. Manning, Marbut, Mazurek, Mohar, Regan, Van Valkenburg.
Total 15

Excused: Brown.
Total 1

Absent or not voting: Blaylock, Kolstad, Lee.
Total 3

That HB 802, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Christiaens, Conover, Crippen, Eck, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 34

Noes: Boylan, Dover, Elliott, Etchart, Hager, Hammond, Keating, Kolstad, Lee, Shaw, Smith.
Total 11

Excused: Brown.
Total 1

Absent or not voting: Blaylock, Daniels, Stimatz, Story.
Total 4

HB 701 - That HB 701 be segregated from the Committee of the Whole report. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Brown.
Total 1

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Goodover moved the adoption of the committee report, as amended. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Signed by the President at 5:00 p.m., 3/22/83: HB 200, HB 203, HB 207, HB 247, HB 269, HB 270, HB 324, HB 337, HB 436, HB 505, HB 556, HB 568, HB 670, HB 696, HB 766, HJR 12, HJR 26.

FISH AND GAME (Smith, Chairman):
HB 836, be concurred in. Report adopted.

JUDICIARY (Turnage, Chairman):
HB 415, be concurred in. Report adopted.
HB 662, third reading copy, be amended as follows:

1. Title, line 6.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 11.
Strike: "Irrigation districts"
Insert: "Districts organized prior to certain date"
Following: "~~continue~~"
Strike: "engage in"
Insert: "continue"

3. Page 1, line 13.
Following: "~~was~~"
Strike: "is"
Insert: "was"
Following: "~~1981,~~"
Insert: "prior to March 30, 1981,"

4. Page 1, line 14.

Strike: "or described in 85-7-110"

5. Page 1, line 15.
Following: "~~continue~~"
Strike: "engage in"
Insert: "continue"

6. Page 1, line 16.
Following: "~~1981~~"
Insert: "it conducted prior to March 30, 1981"

7. Page 1, line 17.
Following: "by"
Insert: "subsection (1) of"

8. Page 1, line 20.
Insert: "(3) In addition to the authority otherwise provided in this section and Title 85, chapter 7, irrigation districts or projects organized under Title 85, chapter 7, or described in 85-7-110 may construct, install, operate, and maintain facilities to generate, transmit, and sell, as well as any associated facilities necessary to that end, electricity using the water power potential of irrigation projects or works or federally owned water impoundment projects where electric power generation facilities have not heretofore been installed and licensed under the Federal Power Act."

9. Page 1.
Following: line 20
Insert: "Section 2. Effective date. This act is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

HB 705, third reading copy, be amended as follows:

1. Title, line 6.
Following: "SYSTEM;"
Insert: "PROVIDING THAT A JUDGE ELECTED OR APPOINTED TO OFFICE ON OR AFTER JULY 1, 1983, WHO RETIRES INVOLUNTARILY BEFORE AGE 65 CANNOT RECEIVE FULL STATE RETIREMENT BENEFITS;"

2. Title, line 12.
Following: "19-5-404,"
Insert: "19-5-503,"

3. Page 5.
Following: line 20
Insert: "Section 5. Section 19-5-503, MCA, is amended to read:

"19-5-503. Involuntary retirement allowance. (1) If a contributor is involuntarily discontinued from service after having completed 5 years of total service but before reaching retirement age, he shall, upon filing an application in the manner prescribed by the board, be paid whichever of the following allowances that he elects:

(a) the full amount of his accumulated deductions; or

(b) a member's annuity of equivalent actuarial value to his accumulated deductions, plus an annuity which is the actuarial equivalent of the present value of the state annuity then standing to his credit.

(2) If a contributor elected or appointed to office prior to July 1, 1983, is involuntarily discontinued from service after having completed 12 years of total service but before reaching retirement age, he shall, upon filing an application in the manner prescribed by the board, be paid whichever of the following allowances that he elects:

(a) the full amount of his accumulated deductions; or

(b) a member's annuity of equivalent actuarial value to his accumulated deductions, plus a state annuity in an amount which, when added to the member's annuity, will provide a total annuity equal to the allowance provided for in 19-5-502.

(3) If a contributor elected or appointed to office after July 1, 1983, is involuntarily discontinued from service after having completed 12 years of total service but before reaching retirement age, he may apply for and receive benefits under this chapter pursuant to subsection (1).""

Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):

HB 450, third reading copy, be amended as follows:

1. Title, line 7.
Following: "SCIENCES"
Insert: ", TO THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES,"

2. Title, line 7.
Following: "TO"
Strike: remainder of line 7 through "INSTITUTIONS" on line 8
Insert: "THE DIVISION OF CORRECTIONS CREATED IN THIS ACT"

3. Title, line 9.
Strike: "BOARD"
Insert: "DIVISION OF CORRECTIONS"

4. Page 3, lines 14 through 19.
Strike: subsections (a), (b), and (c)
Renumber: subsequent subsections

5. Page 5, line 1.
Strike: "board of institutions"
Insert: "division of corrections"

6. Page 5, line 4.
Strike: "board of institutions"
Insert: "division of corrections"

7. Page 6, lines 5 and 6.
Strike: "board of institutions"
Insert: "division of corrections"

8. Page 6, line 6.
Strike: ""board" (of institutions)"
Insert: ""division" (of corrections)"

9. Page 6, line 12.
Strike: "board of institutions"
Insert: "division of corrections"

10. Page 6, line 16.
Strike: "board of institutions"
Insert: "division of corrections"

11. Page 6, line 19 through page 8, line 8.
Strike: sections 5 through 7 in their entirety
Insert: "Section 5. Division of corrections. There is a division of corrections within the department of administration.

Section 6. Rules. The division of corrections may adopt rules for the administration of the institutions, facilities, and programs for which it is responsible."

12. Page 8, line 9.
Strike: "board"
Insert: "division"

13. Page 8, line 10.
Strike: "board"
Insert: "division"

14. Page 8, line 15.
Following: "state;"
Insert: "and"

15. Page 8, line 17.
Following: "jurisdiction"
Strike: remainder of line 17 through "facilities" on line 19

16. Page 8, line 20.
Strike: "board"
Insert: "division"

17. Page 8, line 21.
Strike: "board"
Insert: "division"

18. Page 9.
Following: line 4
Insert: "Section 9. Functions of the department of institutions transferred to the department of social and rehabilitation services. (1) The following functions of the department of institutions and the director of the department of institutions are transferred to the department of social and rehabilitation services and the director of social and rehabilitation services as defined in Title 2, chapter 15, part 22:

(a) treating developmentally disabled persons under Title 53, chapter 20, part 1;

(b) transferring funds by budget amendment for developmental disability systems under 53-20-214; and

(c) relating to state-owned facilities under Title 53, chapter 20, part 5.

(2) Unless inconsistent with this act, any reference to the "department of institutions" or "department" (of institutions) in the sections listed in subsection (1) are changed to "department of social and rehabilitation services" or "department" (of social and rehabilitation services). The code commission shall conform internal references and grammar to these changes.

(3) The governor may by executive order assign to the department of social and rehabilitation services in a manner consistent with this act functions allocated to the department of institutions by the 48th legislature and not transferred by this act.

Section 10. Institutions in department of social and rehabilitation services. The following institutions are in the department:

(1) Boulder River school and hospital;

(2) Eastmont training center.

Section 11. Rules. The department of social and rehabilitation services may adopt reasonable rules to carry out the administration of those institutions in the department, designated by [section 10], and to provide procedures and criteria for the purposes of Title 53, chapter 20, part 1.

Section 12. Administration. The department of social and rehabilitation services shall administer Boulder River school and hospital and Eastmont training center in accordance with Title 53, chapter 20, part 1."

Renumber: subsequent sections

19. Page 9, line 19.
Following: "~~institutions~~"
Insert: "social and rehabilitation services or the department of"

20. Page 10, lines 16 and 17.
Strike: subsection (c) in its entirety
Renumber: subsequent subsections

21. Page 11, line 8.
Following: "pursuant to"
Strike: "subsections"
Insert: "subsection"
Following: "~~or~~"
Strike: "through"
Insert: "or"

22. Page 11, line 9.
Following: "(2)~~(b)~~"
Strike: "(c)"
Insert: "(b)"

23. Page 11, line 10.
Following: "director"
Strike: "2"
Following: "~~or~~"
Insert: "or"

24. Page 11, lines 11 and 12.
Following: "instruction"
Strike: "chairman of the board of institutions,"

25. Page 11, line 18.
Following: "subsection (2)~~(d)~~"
Strike: "(e)"
Insert: "(d)"
Following: "or (2)~~(e)~~"
Strike: "(f)"
Insert: "(e)"

26. Page 11, line 21.
Following: "subsection (2)~~(e)~~"
Strike: "(d)"
Insert: "(e)"
Following: "(2)~~(f)~~"
Strike: "(g)"
Insert: "(f)"
Following: "or (2)~~(g)~~"
Strike: "(h)"
Insert: "(g)"

27. Page 14, line 6.
Following: "sciences"
Strike: remainder of line 6 through "institutions" on line 7
Insert: ", the department of social and rehabilitation services, and the division of corrections"

28. Page 16, line 10.
Following: "sciences"
Strike: "and the board of institutions"
Insert: ", the department of social and rehabilitation services, and the division of corrections"

29. Page 19, line 10.
Following: "sciences"
Strike: "and the board of institutions"
Insert: ", the department of social and rehabilitation services, and the division of corrections"

30. Page 20, line 13.
Following: "sciences"
Strike: "or the board of institutions"
Insert: ", the department of social and rehabilitation services, and the division of corrections"

31. Page 21, line 23.
Following: "sciences"
Strike: "and the board of institutions"
Insert: ", the department of social and rehabilitation services, and the division of corrections"

32. Page 22, line 1.
Following: "sciences"
Strike: "and the board of institutions"
Insert: ", the department of social and rehabilitation services, and the division of corrections"

33. Page 22, line 10.
Strike: "board of institutions"
Insert: "division of corrections"

34. Page 23, lines 6 and 7.
Following: "services"
Strike: ","
Following: "~~and~~"
Strike: "the department of health and environmental sciences,"

35. Page 23, line 7.
Strike: "board of institutions"
Insert: "division of corrections"

36. Page 23, line 20.

Following: "in 53-1-202,"
Insert: "the department of social and rehabilitation services, as defined in [section 9],"

37. Page 23, lines 20 and 21.
Strike: "board of institutions"
Insert: "division of corrections"

38. Page 24, lines 20 and 21.
Strike: "board of institutions"
Insert: "division of corrections"

39. Page 31, lines 8, 22, 23, and 25.
Strike: "board of institutions"
Insert: "division of corrections"

40. Page 32, lines 14, 20, 21, and 24.
Strike: "board of institutions"
Insert: "division of corrections"

41. Page 33, line 4.
Strike: "board"
Insert: "division"

42. Page 33, lines 4 and 9.
Strike: "board of institutions"
Insert: "division of corrections"

43. Page 34, lines 4, 5, 14, 15, and 17.
Strike: "board of institutions"
Insert: "division of corrections"

44. Page 35, lines 5, 6, 16, and 18.
Strike: "board of institutions"
Insert: "division of corrections"

45. Page 37, line 24.
Strike: "board of institutions"
Insert: "division of corrections"

46. Page 38, lines 17 and 18.
Strike: "board of institutions"
Insert: "division of corrections"

47. Page 38, line 19.
Strike: "board"
Insert: "division"

48. Page 39, lines 2, 20, and 21.
Strike: "board of institutions"
Insert: "division of corrections"

49. Page 40, lines 12, 16, and 20.
Strike: "board of institutions"
Insert: "division of corrections"

50. Page 41, lines 8, 9, and 14.
Strike: "board of institutions"
Insert: "division of corrections"

51. Page 42, line 10.
Following: "jurisdiction,"
Insert: "the department of social and rehabilitation services,"
Strike: "board of institutions"

Insert: "division of corrections"

52. Page 44, line 14.
Strike: "board of institutions"
Insert: "division of corrections"

53. Page 44, line 15.
Strike: "board"
Insert: "division"

54. Page 44.
Following: line 17
Insert: "(c) make at least one inspection a year of each state institution under the control of the department of social and rehabilitation services and submit a copy of the report to the department with recommendations in regard to fire prevention, fire protection, and public safety;"
Renumber: subsequent subsections

55. Page 47, line 14.
Following: "sciences"
Strike: "or the board of institutions"
Insert: ", the department of social and rehabilitation services, or the division of corrections"

56. Page 48, line 7.
Strike: ""Board""
Insert: ""Division""
Strike: "board of institutions"
Insert: "division of corrections"

57. Page 48, line 21.
Strike: subsection (1) in its entirety
Renumber: subsequent subsections

58. Page 49, lines 1 and 2.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

59. Page 49, line 16.
Strike: subsection (c) in its entirety
Renumber: subsequent subsections

60. Page 49, line 20.
Strike: subsection (f) in its entirety
Renumber: subsequent subsections

61. Page 51, line 11.
Following: "title;"
Insert: "and"

62. Page 51, line 16.
Following: "institutions"
Strike: remainder of line 16 through "disability" on line 19

63. Page 51, line 24.
Strike: "board"
Insert: "division"

64. Page 52, line 7.
Strike: "board"
Insert: "division"

65. Page 54, lines 11, 21, and 22.

Strike: "board"
Insert: "division"

66. Page 55, line 3.
Strike: "board"
Insert: "division"

67. Page 55, line 21.
Following: "21"
Insert: "or the department of social and rehabilitation services, as provided for in Title 2, chapter 15, part 22"

68. Page 64, lines 21 and 22.
Strike: "board of institutions"
Insert: "division of corrections"

69. Page 64, line 25.
Strike: "board"
Insert: "division"

70. Page 65, lines 2, 11, 14, and 25.
Strike: "board"
Insert: "division"

71. Page 65, line 22.
Strike: "board of institutions"
Insert: "division of corrections"

72. Page 66, lines 7 and 10.
Strike: "9"
Insert: "8"

73. Page 66.
Following: line 10
Insert: "(3) Sections 9 through 12 are intended to be codified as an integral part of Title 53, chapter 20."

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House, on 3/22/83, acceded to the request of the Senate for the return of HB 290, introduced by Seifert, et al., and is returning said bill to the Senate for further consideration.

The House, on 3/22/83, acceded to the request of the Senate for the return of HB 746, introduced by Darko, Mohar, and is returning said bill to the Senate for further consideration.

The House, on 3/22/83, acceded to the request of the Senate for the return of HB 786, introduced by D. Brown, Winslow, and is returning said bill to the Senate for further consideration.

MOTIONS

Senator Gage moved that HB 853 be taken from second reading and that it be referred to the Committee on Business and Industry. Motion carried unanimously.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 6:00 p.m., until Wednesday, March 23, 1983, at the hour of 2:30 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTY-SIXTH LEGISLATIVE DAY

Helena, Montana
March 23, 1983

Senate Chambers
State Capitol

Senate convened at 2:30 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the sixty-fifth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BUSINESS AND INDUSTRY (Kolstad, Chairman):
HB 358, be concurred in. Report adopted.
HB 371, be concurred in. Report adopted.
HB 503, third reading copy, be amended as follows:

1. Title, line 9.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 20.
Following: line 19
Insert: "Section 2. Effective date. This act is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

HB 633, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
HB 9, be concurred in. Report adopted.
HB 636, be concurred in. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
HB 121, be concurred in. Report adopted.
HB 172, third reading copy, be amended as follows:

1. Title, line 9.
Following: "TO"
Strike: "$3"
Insert: "$2.50"

2. Page 4, line 3.
Following: "$2"
Strike: "$3"
Insert: "$2.50"

And, as amended, be concurred in. Report adopted.

HB 306, be concurred in. Report adopted.
HB 343, third reading copy, be amended as follows:

1. Title, line 4.
Following: "ACT"
Strike: "ELIMINATING"
Insert: "RAISING"

Following: "THE"
Strike: "2-MILL"
Insert: "MILL"

2. Page 1, line 16.
Following: "~~value~~"
Insert: "not exceeding 4 mills"

And, as amended, be concurred in. Report adopted.

HB 426, be concurred in. Report adopted.
HB 495, be concurred in. Report adopted.
HB 720, be concurred in. Report adopted.
HB 715, third reading copy, be amended as follows:

1. Title, line 6.
Following: line 5
Strike: "UNANTICIPATED REVENUES,"
Following: "REVENUES"
Strike: ","

2. Page 2, line 7.
Strike: line 7 in its entirety
Renumber: subsequent subsections

3. Page 4, line 14.
Strike: line 14 in its entirety
Renumber: subsequent subsections

And, as amended, be concurred in. Report adopted.

HB 733, third reading copy, be amended as follows:

1. Page 16, line 7.
Following: "(4)"
Strike: remainder of line 7 through line 12

2. Page 16, line 13.
Strike: "reserve."
Following: "This"
Strike: "subsection"
Insert: "section"

3. Page 25, line 11.
Strike: section 34 in its entirety
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 788, third reading copy, be amended as follows:

1. Page 5, line 7.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

And, as amended, be concurred in. Report adopted.

HB 798, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 750, third reading copy, be amended as follows:

1. Title, lines 8 and 9.
Strike: "TO PROVIDE FOR INITIAL ASSESSMENT AND TAXATION;"

2. Page 2, line 18.
Following: "improvements"
Strike: "includes"
Insert: "means"

3. Page 2, line 19.
Following: "improvements"
Insert: "to mobile homes"

4. Page 2, lines 20 and 21.
Following: "another"
Strike: "individual and improvements to a building by a lessee"
Insert: "person"

5. Page 2, line 24.
Following: "ON"
Insert: "such"
Following: "IMPROVEMENTS"
Strike: "can be"
Insert: "are"

6. Page 2, line 25.
Following: "on"
Strike: "the"
Insert: "such"

7. Page 9, line 14.
Strike: section 5 in its entirety

And, as amended, be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
HB 464, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Eck, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hammond, Hazelbaker, Himsl, Jacobson, Lane, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Turnage, Tveit, Mr. President.
Total 35

Noes: Elliott, Gage, Hager, Keating, Kolstad, Lee, Thomas, Towe, Van Valkenburg.
Total 9

Excused: None.
Total 0

Absent or not voting: Daniels, Dover, Halligan, D. Manning, McCallum, Story.
Total 6

JUDICIARY (Turnage, Chairman):
HB 139, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 44

Noes: Eck, Hager, R. Manning, Marbut, Regan.
Total 5

Excused: None.
Total 0

Absent or not voting: Dover.
Total 1

HB 149, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Eck, Keating, Kolstad, Lee, Regan, Towe, Turnage.
Total 7

Excused: None.
Total 0

Absent or not voting: Dover.
Total 1

HB 416, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Dover, Lee.
Total 2

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):

HB 322, as amended, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Mr. President.
Total 37

Noes: Berg, Christiaens, Fuller, Haffey, Jacobson, Lynch, R. Manning, Regan, Towe.

Total 9

Excused: None.
Total 0

Absent or not voting: Dover, Lee, D. Manning, Van Valkenburg.
Total 4

HB 604, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, D. Manning, R. Manning, Marbut, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Mr. President.
Total 38

Noes: Eck, Gage, Lee, Lynch, Mazurek, Mohar, Towe.
Total 7

Excused: None.
Total 0

Absent or not voting: Brown, Crippen, Dover, Thomas, Van Valkenburg.
Total 5

FISH AND GAME (Smith, Chairman):
HB 345, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Boylan, Conover, Crippen, Daniels, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, D. Manning, Marbut, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Tveit, Mr. President.
Total 31

Noes: Berg, Blaylock, Christiaens, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, R. Manning, Mazurek, Mohar, Regan, Towe, Van Valkenburg.
Total 15

Excused: None.
Total 0

Absent or not voting: Brown, Dover, Lynch, Turnage.
Total 4

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

March 22, 1983

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 22, 62, 70, 236, 285.

Sincerely,

Ted Schwinden

Governor

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

March 22, 1983

The Honorable Daniel Kemmis
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Stephens and Representative Kemmis:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 205, "AN ACT REVISING THE DISCRETIONARY AUTHORITY OF THE HIGHWAY COMMISSION REGARDING PROJECTS FOR COMPETITIVE BIDDING; CLARIFYING THE EXCEPTION TO COMPETITIVE BIDDING; AMENDING SECTION 60-2-112, MCA," without my signature and recommend the attached amendments for the following reasons.

Under present law, the Montana Highway Commission has the authority to enter into contracts without competitive bids if it determines that the work can be done in a more efficient manner by means other than competitive bidding. The authority is granted to all levels of government, including cities and towns. House Bill No. 205, as passed, would change this authority by limiting the exemption to Commission/county contracts that result in lower total costs.

My amendment would create two situations in which the Commission could enter into contracts without competitive bidding. First, it would authorize the Commission to act as it can under current law except that it would now be required to specify in writing special circumstances that require a contract to be entered into without competitive bidding.

Second, my amendment would continue the provision of House Bill No. 205 that the Commission may enter into contracts without competitive bidding upon finding that the work can be done at a lower cost by letting contracts by other means, but that flexibility would be extended to other units of local government, as it is under current law.

I urge your concurrence in this amendment.

Governor's Proposed Amendments
to HB 205

1. Page 1, line 22 through page 2, line 12.
Strike: subsection (2) in its entirety
Insert: "(2) The Commission may let a contract by means other than competitive bidding if it determines that special circumstances so require. The Commission must specify the special circumstances in writing.

(3) The Commission may enter into contracts with units of local government for the construction of projects without competitive bidding if it finds that the work can be accomplished at lower total costs, including total cost of labor, materials, supplies, equipment usage, engineering, supervision, clerical and accounting services, administrative costs, and reasonable estimates of other costs attributable to the project."

Renumber: subsequent section

Sincerely,

Ted Schwinden
Governor

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

March 22, 1983

The Honorable Daniel Kemmis
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Stephens and Representative Kemmis:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill No. 141, "AN ACT TO PROVIDE FOR VOTING BY ABSENTEE BALLOT AT LEAST 21 DAYS PRIOR TO AN ELECTION; AMENDING SECTION 13-13-222, MCA," without my signature and recommend the attached amendments for the following reasons.

As passed, SB 141 provides that ballots for absentee voting be printed and made available at least 21 days prior to an election.

Upon request of the Secretary of State and the Montana Association of Clerks and Recorders, I am proposing an amendment to S.B. No. 141. This bill as passed, conflicts with Title 20, which establishes 20 days prior to an election as the final date for filing trustee candidate petitions and setting of mill levies. With the 21 day requirement, it would be impossible for absentee ballots to contain school trustee candidates.

The amendment I am proposing will return SB 141 to its original language and require absentee ballots to be available at least 14 days prior to an election. The title is being amended to reflect the proposed statutory change.

I urge your concurrence in these amendments.

Governor's Proposed Amendments
to SB 141

1. Page 1, line 6.
Following: "~~14~~"
Strike: "21"
Following: "21"
Insert: "14"

2. Page 2, line 1.
Following: "~~14~~"
Strike: "21"
Following: "21"
Insert: "14"

Sincerely,

Ted Schwinden
Governor

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BUSINESS AND INDUSTRY (Kolstad, Chairman):

HJR 11, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Boylan, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 29

Noes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 20

Excused: None.
Total 0

Absent or not voting: D. Manning.
Total 1

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed as amended and transmitted to the Senate for concurrence: 3/22/83

HB 511, introduced by Bardanouve, et al.

HB 747, introduced by Marks, et al.

Senate bills concurred in and returned to the Senate: 3/22/83

SB 7, introduced by Aklestad

SB 173, introduced by Crippen, Marbut

SB 184, introduced by Mazurek

SB 204, introduced by Keating, Gage

SB 210, introduced by Dover, H. Hammond

SB 221, introduced by Norman, Hand

SB 269, introduced by Halligan, R. Manning

SB 278, introduced by Conover, Mazurek

SB 279, introduced by Ochsner, Lybeck

SB 294, introduced by Hazelbaker, Thoft

SB 298, introduced by Towe, Turnage

SB 330, introduced by Galt, Holliday

SB 345, introduced by Stephens

SB 404, introduced by Stephens, Kolstad

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 3/22/83

SB 114, introduced by Thomas, Miller

SB 120, introduced by Boylan, et al.

SB 227, introduced by Towe

SB 259, introduced by Jacobson

SB 317, introduced by Blaylock, et al.

SB 371, introduced by Fuller, Mazurek

SB 415, introduced by Conover, Graham

SB 418, introduced by Jacobson, et al.

SB 428, introduced by Etchart

SJR 17, introduced by Elliott, et al.

Senate bill not concurred in as amended and returned to the Senate:
3/22/83

SB 95, introduced by McCallum

SB 311, introduced by Himsl, Blaylock

MOTIONS

Senator Van Valkenburg moved that consideration on HB 847, on second reading, be passed until the 67th legislative day. Motion carried unanimously.

Senator McCallum moved that consideration on HB 399 be passed. Motion carried unanimously.

Senator Turnage moved that HB 606 be taken from third reading and that it be referred to second reading. Motion carried unanimously.

FIRST READING OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SJR 25, introduced by Marbut, (By Request of the Senate Judiciary Committee). Referred to Committee on Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 511, introduced by Bardanouve, Norman, Veleber, Peck, Vincent, Kadas, Bertelsen, Mohar, Bachini, Farris, Wallin, Sands, Fagg, Eck, (By Request of the Office of Budget and Program Planning). Referred to Committee on Taxation.

HB 747, introduced by Marks, Ramirez, Bertelsen, Thoft, Donaldson, Eudaily, Lory, Swift. Referred to Committee on Taxation.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Goodover moved that HB 193 be taken from third reading and that it be referred to second reading. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover,

Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Fuller, Jacobson, R. Manning, Mazurek, Regan, Towe.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 26, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Hammond.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 319, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 336, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Hammond, Lee.
Total 2

Excused: None.
Total 0

Absent or not voting: Hazelbaker.
Total 1

SB 382, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 45

Noes: Christiaens, Dover, Turnage, Van Valkenburg.
Total 4

Excused: None.
Total 0

Absent or not voting: Hazelbaker.
Total 1

SB 388, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Shaw.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 96 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 48

Noes: Hammond, Kolstad.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 118 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Boylan, Daniels, Dover, Gage, Hammond, Kolstad, Lee.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 199 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 228 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Mohar.
Total 1

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 303 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Dover, Story.
Total 2

Excused: None.
Total 0

Absent or not voting: Eck.
Total 1

HB 335 concurred in as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 39

Noes: Aklestad, Boylan, Dover, Gage, Hammond, Himsl, Keating, Lee, Shaw, Story, Tveit.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 420 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 44

Noes: Aklestad, Keating, Kolstad, Lee, Shaw, Tveit.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 455 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 459 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 467 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Keating.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 513 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson,

Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Daniels.
Total 1

HB 528 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 567 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Boylan, Hammond, Ochsner.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 651 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: Himsl.
Total 1

HB 671 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 687 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 699 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 730 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 794 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Hammond.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 822 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Haffey in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 896 - That HB 896 be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Aklestad, Boylan, Lynch, Shaw, Smith.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Haffey moved the adoption of the committee report. Report adopted.

At the request of Senator Hazelbaker, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Hazelbaker moved that the rules be temporarily suspended in order to place HB 896 on third reading this day. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lane, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 40

Noes: Boylan, Lynch.
Total 2

Excused: None.
Total 0

Absent or not voting: Conover, Graham, Kolstad, Lee, Smith, Story, Turnage, Tveit.
Total 8

THIRD READING OF BILLS

The following bill having been read three several times, title and history agreed to, was disposed of in the following manner:

HB 896 concurred in as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Lane, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 38

Noes: Aklestad, Boylan, Dover, Hammond, Lynch, Shaw.
Total 6

Excused: None.
Total 0

Absent or not voting: Graham, Kolstad, Lee, Smith, Story, Tveit.
Total 6

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Haffey in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 246 - That House amendments to SB 246 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 403 - That House amendments to SB 403 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 422 - That House amendments to SB 422 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 432 - That House amendments to SB 432 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 445 - That House amendments to SB 445 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 453 - That House amendments to SB 453 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 370 - That HB 370 be concurred in. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Berg.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 701 - That HB 701, third reading copy, be amended as follows:

1. Page 2, line 1.
Strike: "(2)"

2. Page 2, lines 21 through 25.
Strike: lines 21 through 25 in their entirety
Renumber: subsequent subsection

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R.

Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 701, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 105 - That consideration on HB 105 be passed. Motion failed as follows:

Ayes: Aklestad, Boylan, Daniels, Dover, Eck, Graham, Halligan, Hammond, Hazelbaker, Himsl, Lee, Marbut, Norman, Ochsner, Regan, Shaw, Story, Turnage, Van Valkenburg.
Total 19

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Elliott, Etchart, Fuller, Gage, Goodover, Haffey, Hager, Jacobson, Keating, Lane, Lynch, R. Manning, Mazurek, McCallum, Mohar, Severson, Smith, Stimatz, Towe, Tveit, Mr. President.
Total 27

Excused: None.
Total 0

Absent or not voting: Galt, Kolstad, D. Manning, Thomas.
Total 4

That HB 105 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Tveit, Mr. President.
Total 42

Noes: Boylan, Dover, Himsl, Story, Van Valkenburg.
Total 5

Excused: None.
Total 0

Absent or not voting: Daniels, Galt, Turnage.
Total 3

HB 126 - That HB 126 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 290 - That HB 290, third reading copy, be amended as follows:

1. Title, line 6.
Following: "ACT"
Strike: "INCLUDING"
Insert: "ALLOWING"

2. Title, line 7.
Following: "DISTRIBUTORS"
Insert: "TO BE INCLUDED"

3. Page 3, line 12.
Following: "LICENSED"
Strike: "AS A GASOLINE DISTRIBUTOR"
Insert: "to assume the Montana state gasoline tax liability;"

4. Page 5, line 8.
Following: "(2)"
Strike: remainder of line 8 through "distributor" on line 9
Insert: "Any person who engages in the wholesale distribution of gasoline in this state exercising the option under 15-70-201(6)(c)"

5. Page 5, line 9.
Following: "pay"
Strike: "a"
Insert: "an annual"

6. Page 5, line 24.
Following: "effective"
Strike: "July 1, 1983"
Insert: "January 1, 1984"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 290, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 376 - That HB 376 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 390 - That HB 390 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan,

Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 424 - That HB 424, third reading copy, be amended by adding the following statement of intent:

Statement of Intent
HB 424

Section 1. The intent of this bill is to allow the department of social and rehabilitation services to use federal medicaid funds in supporting services to senior citizens, the handicapped, and the developmentally disabled in the least restrictive and appropriate environments within appropriation limits established by the legislature and consistent with the provisions of The Omnibus Budget Reconciliation Act of 1981. In granting this authority, the legislature intends that:

(1) the recipient make the decision to be placed in the alternative setting;

(2) consistent with patient choice and resources, emphasis will be placed on the patient's own home as an alternative setting to institutional placement;

(3) the physical well-being and safety of the recipients of the program will be provided for in that all facilities utilized for the delivery of services or as residential setting, not including a recipient's own residence, will have to meet adequate health, fire, and life safety requirements before they can be licensed by the department or other licensing authority. The department shall insure that no requirements are adopted which are more onerous than necessary.

(4) The home and community-based services will be provided at no additional cost to the state.

Section 2. Section 5 of the bill provides the department with explicit rulemaking authority for the purposes of implementing a program of community-based medicaid services and establishing a system of long-term care placement evaluation as part of that program. These rules may address the following areas: the amount, scope, and duration of services provided, standards of quality for services provided, reimbursement methodology for services provided, the appropriate residential settings to be utilized, eligibility of individuals for the program, screening of individuals for appropriateness of services and placement, organization and functions of case management teams, assurances of patient choice, patient rights, and due process for program recipients, and any other purposes as may be required for the implementation of this program.

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 424, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 465 - That HB 465 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 572 - That HB 572 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 592 - That HB 592 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 706 - That HB 706 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Norman, Towe.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 710 - That HB 710 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 728 - That HB 728, third reading copy, be amended as follows:

1. Senate Standing Committee amendment 2, dated 3/21/83.
Strike: "punishable by a fine not to exceed $500"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 728, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 465 - That HB 465 be segregated from the Committee of the Whole report. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Haffey moved the adoption of the committee report, as amended. Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Haffey in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 731 - That HB 731 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 746 - That HB 746, third reading copy, be amended as follows:

1. Title, line 16.
Following: "ELECTION"
Insert: "LIMITING THE STUDENT COUNT IN THE CONTIGUOUS AREA"

2. Title, line 16.
Following: "20-15-231"
Insert: ", 20-15-310,"

3. Page 7, line 9.
Following: line 8
Insert: "NEW SECTION. Section 6. Section 20-15-310, MCA, is amended to read:

"20-15-310. Appropriation. It is the intent of the legislature that all community college spending, other than from restricted funds or funds generated by an optional, voted levy, be controlled under provision of the state general appropriations act. The unrestricted budget shall be based on a calculated dollar amount per full-time equivalent student. The student count may not include those enrolled in community service courses as defined by the board of

regents nor students enrolled in courses offered by the community colleges outside of the present community college districts.""

Renumber: subsequent sections

Amendment failed as follows:

Ayes: Aklestad, Blaylock, Boylan, Dover, Eck, Gage, Galt, Graham, Hager, Halligan, Jacobson, Kolstad, Lynch, D. Manning, Regan, Towe, Turnage, Mr. President.
Total 18

Noes: Berg, Brown, Conover, Crippen, Daniels, Elliott, Etchart, Fuller, Goodover, Haffey, Hammond, Hazelbaker, Himsl, Keating, Lane, Lee, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg.
Total 31

Excused: None.
Total 0

Absent or not voting: Christiaens.
Total 1

That HB 746 be concurred in. Motion carried as follows:

Ayes: Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Goodover, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Keating, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 36

Noes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Gage, Galt, Graham, Hager, Jacobson, Kolstad, Regan, Story, Mr. President.
Total 14

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 770 - That HB 770, third reading copy, be amended as follows:

1. Page 1, line 22.
Following: "regulations"
Insert: "or is a legal nonconforming use."

2. Page 1, line 23.
Following: "single"
Insert: "or multiple"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 770, third reading copy, be further amended as follows:

1. Page 3, line 15.
Following: "CONDOMINIUMS"
Insert: "and new construction of condominiums"

2. Page 3, line 16.
Strike: "CONVERTED"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 49

Noes: Van Valkenburg.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 770, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 786 - That HB 786, third reading copy, be amended as follows:

1. Title, line 10.
Following: "AGENCY;"
Strike: remainder of line 10 through "BIDDERS;" on line 11

2. Title, line 11.

Following: "~~SECTION~~"
Strike: remainder of line 11
Insert: "SECTION"

3. Page 3, line 14.
Strike: section 1 in its entirety
Renumber: subsequent section

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 786, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 789 - That HB 789 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 792 - That HB 792 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 811 - That HB 811 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 812 - That HB 812 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 862 - That consideration on HB 862 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 21 - That HJR 21 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 22 - That HJR 22 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Christiaens, Crippen, Halligan, Mohar, Regan.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 606 - That HB 606, third reading copy, be amended as follows:

1. Page 2, line 14.
Following: line 14

Insert: "(3) Provided however, any person who operates a truck, truck tractor, motor-driven cycle or a vehicle towing a house-trailer in violation of 61-8-312 shall be subject to the penalties provided for in 61-8-711."

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Shaw.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 606, third reading copy, be further amended as follows:

1. Strike: Committee of the Whole amendment 1, dated 3/21/83

2. Strike: Committee of the Whole amendment 1, dated 3/23/83

Amendment failed as follows:

Ayes: Aklestad, Boylan, Dover, Etchart, Gage, Hammond, Kolstad, Lee, Lynch, McCallum, Ochsner, Severson, Story, Mr. President.
Total 14

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Elliott, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Lane, D. Manning, R. Manning, Marbut, Mohar, Norman, Regan, Shaw, Stimatz, Thomas, Towe, Turnage, Tveit.
Total 32

Excused: None.
Total 0

Absent or not voting: Eck, Mazurek, Smith, Van Valkenburg.
Total 4

That HB 606, as amended, be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit.
Total 39

Noes: Aklestad, Boylan, Dover, Gage, Hammond, Kolstad, Lee, Ochsner, Mr. President.
Total 9

Excused: None.

Total 0

Absent or not voting: Smith, Van Valkenburg.
Total 2

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Haffey moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly enrolled: SB 19, SB 56, SB 99, SB 157, SB 206, SB 207, SB 276, SB 277, SB 297, SB 300, SB 325, SB 358, SB 373, SB 387.
Examined by the sponsor (Aklestad) and found to be correct: SB 276.
Examined by the sponsor (Brown) and found to be correct: SB 157.
Examined by the sponsor (Christiaens) and found to be correct: SB 325.
Examined by the sponsor (Conover) and found to be correct: SB 277.
Examined by the sponsor (Gage) and found to be correct: SB 206, SB 207, SB 358.
Examined by the sponsor (Hager) and found to be correct: SB 56, SB 99.
Examined by the sponsor (Hammond) and found to be correct: SB 297.
Examined by the sponsor (Kolstad) and found to be correct: SB 19.
Examined by the sponsor (Mohar) and found to be correct: SB 387.
Examined by the sponsor (Turnage) and found to be correct: SB 300.
Examined by the sponsor (Van Valkenburg) and found to be correct: SB 373.
Signed by the President at 6:00 p.m., 3/23/83: SB 19, SB 56, SB 99, SB 157, SB 206, SB 207, SB 276, SB 277, SB 297, SB 300, SB 325, SB 358, SB 373, SB 387, HB 896.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
HB 100, third reading copy, be amended as follows:

1. Page 2, line 11.
Following: "is"
Strike: remainder of line 11 through "as" on line 12
Insert: "at"

2. Page 2, line 12.
Following: "minimum,"
Insert: "in"

3. Page 2, line 18.
Following: "union,"
Strike: remainder of line 18 in its entirety
Insert: "or"

4. Page 2, line 19.
Following: "development"
Strike: remainder of line 19 through "banking company"
Insert: "corporation created pursuant to Title 32, chapter 4"

5. Page 4, line 10.
Following: "made"
Insert: "when sufficient funds are not available to fund all possible investments"

Strike: "shall"
Insert: "may"

6. Page 4, line 19.
Following: "environment"
Strike: remainder of line 19 through "production" on line 20

7. Page 4, line 24 through page 5, line 1.
Strike: subsection (5) in its entirety
Renumber: subsequent sections

8. Page 10, line 14.
Following: "~~accountability~~"
Strike: remainder of line 14 through "PUBLIC" on line 16
Insert: "be broadly representative of the state, seeking to balance professional expertise and public interest and accountability"

And, as amended, be concurred in. Report adopted.

HB 685, third reading copy, be amended as follows:

1. Page 4, line 2.
Following: "businesses"
Strike: remainder of line 2 through "ARE" on line 3

2. Page 4, line 3.
Following: "Montana"
Strike: remainder of line 3 through "Montana" on line 4

3. Page 6, line 14.
Strike: "March"
Insert: "January"

4. Page 16, line 12.
Following: "11"
Insert: "and 16 and 17"

And, as amended, be concurred in. Report adopted.

HB 700, third reading copy, be amended as follows:

1. Page 3, line 7.
Following: line 6
Insert: "(5) "Local government" means the city in which the project is located, if the project is located within an incorporated municipality, or the county if the project is located within the county but outside the boundaries of an incorporated municipality."
Renumber: subsequent sections

2. Page 16, line 21.
Strike: "complement"
Insert: "implement"

3. Page 28, line 20.
Following: line 19
Insert: "cost or"

4. Page 29, line 1.
Following: "private"
Insert: "or"

5. Page 31, line 14.
Following: "~~accountability~~"
Strike: remainder of line 14 through "PUBLIC" on line 16

Insert: "be broadly representative of the state, seeking to balance professional expertise and public interest and accountability"

And, as amended, be concurred in. Report adopted.

HB 814, third reading copy, be amended as follows:

1. Title, line 4.
Following: "AUTHORIZE"
Strike: remainder of line 4 through "INSTITUTIONS" on line 5
Insert: "BANKS"

2. Title, line 6.
Following: "AMENDING"
Strike: "SECTIONS"
Insert: "SECTION"

3. Title, line 7.
Strike: "AND 32-2-208"

4. Page 2, line 18 through page 3, line 8.
Strike: section 2 in its entirety

And, as amended, be concurred in. Report adopted.

HB 886, third reading copy, be amended as follows:

1. Page 14, line 9.
Following: "at"
Strike: remainder of line 9 through "year" on line 10
Insert: "a new school"

2. Page 16, line 4.
Following: "to"
Insert: ":

(a) any person engaged as an instructor in a barber college on October 1, 1983, upon payment of the certification fee; or

(b)"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Turnage, Chairman):
HB 24, third reading copy, be amended as follows:

1. Statement of Intent, page 2.
Following: line 17
Insert: "The department should also develop plans that inform youth courts about budgeted amounts available for placements during the fiscal year within the limits of appropriations. The department will on a regular basis advise the youth courts on the status of such budgeted amounts. Payment for placements will be in accordance with 41-3-104."

2. Page 10, line 1.
Following: "[section 7]"
Insert: "or into a home approved by the court"

And, as amended, be concurred in. Report adopted.

HB 684, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
HB 312, be concurred in. Report adopted.

HB 360, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 702, third reading copy, be amended as follows:

1. Title, line 7.
Following: "DISABLED"
Insert: ", MENTALLY ILL, AND VOCATIONALLY HANDICAPPED"

2. Title, line 9.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Page 3, line 15.
Following: "DISABLED,"
Insert: "mentally ill, or vocationally handicapped as defined in 18-5-101,"

4. Page 4.
Following: line 13
Insert: "Section 2. Effective date. This act is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman):
HB 93, third reading copy, be amended as follows:

1. Page 3, line 3.
Following: "MEANS"
Insert: ": (a)"
Following: "A"
Strike: "PARAPROFESSIONAL"
Insert: "person"

2. Page 3, line 4.
Following: the first "TEACHER" on line 4
Insert: ";"
Following: "OR"
Insert: "(b)"

3. Page 6.
Following: line 23
Insert: "NEW SECTION. Section 5. Coordination. If House Bill 544 is passed by the 48th Legislature and approved, the dollar amounts amended into this act are to be increased by the same percentage that dollar amounts are increased in House Bill 544 as follows:

(1) the dollar amounts amended into 20-9-316 by this act are to be increased by the same percentage that the dollar amounts in 20-9-316(2) were increased by its amendment in House Bill 544; and

(2) the dollar amounts amended into 20-9-318 by this act are to be increased by the same percentage that the dollar amounts in 20-9-318(2) were increased by its amendment in House Bill 544."
Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

HB 99, be concurred in. Report adopted.

HB 176, be concurred in. Report adopted.

HB 221, third reading copy, be amended as follows:

1. Page 1, line 10.
Following: "officer."
Insert: "(1)"

2. Page 1, line 13.
Strike: "(1)"
Insert: "(a)"

3. Page 1, line 17.
Strike: "(2)"
Insert: "(b)"

4. Page 1.
Following: line 17
Insert: "(2) For the purposes of subsection (1), old worthless reports, papers, or records do not include student records and records of employment. Such records or copies of such records must be permanently kept."

5. Page 1, line 24.
Strike: "limited to a 5-year period"
Insert: "as provided in 20-1-212"

And, as amended, be concurred in. Report adopted.

HB 419, third reading copy, be amended as follows:

1. Page 2, line 25.
Following: "by"
Strike: "one-half"
Insert: "two"

2. Page 3, lines 1 through 4.
Following: ";"
Insert: "and"
Strike: subsection (c) in its entirety
Renumber: subsequent subsection

3. Page 3, line 6.
Following: "(3)"
Strike: "(c)"
Insert: "(b)"

And, as amended, be concurred in. Report adopted.

HB 428, third reading copy, be amended as follows:

1. Page 12.
Following: line 22
Insert: "NEW SECTION. Section 9. Procedure to create new high school district. (1) A petition requesting the creation of a new high school district or districts shall be addressed to the county superintendent and shall:

(a) describe the territory that is requested to be incorporated in the new district and the taxable value of such territory as shown by the last completed assessment roll;

(b) state the reasons why the creation of a new district is requested; and

(c) be signed by the parents or guardians of not less than 35 children between the ages of 14 and 18 years who reside in the territory that would be included in the new district and who reside more than 20 miles over the shortest practical route from an operating high school.

(2) When a county superintendent receives a valid petition requesting the creation of a new district, he shall:

(a) file the petition;

(b) set a hearing place, date, and time for consideration of the petition that is not more than 40 days after the receipt of the petition; and

(c) give notice of the place, date, and time of the hearing. Notice shall be posted in the districts affected by the request in the manner prescribed in this title for school elections, with at least one notice posted in the territory to be included in the new district.

(3) The county superintendent shall conduct the hearing as scheduled unless before or at the time of the hearing he receives a protest petition signed by a majority of the electors of the proposed new district who are qualified to vote under the provisions of 20-20-301. A valid protest petition conclusively denies the creation of a new district. If a hearing is conducted, any resident or taxpayer of the affected districts must be heard. If the county superintendent considers it advisable and in the best interest of the residents of the proposed new district, he shall grant the petitioned request and order the creation of a new high school district with its boundaries coinciding with the boundaries defined in the petition. Otherwise, he shall by order deny the request. In the order creating the new district, the county superintendent shall establish the effective date for its creation and the procedures for effecting an orderly transition.

(4) Either of the county superintendent's orders may be appealed to the superintendent of public instruction within 30 days after the date of the order. The appeal must be in writing, signed by not less than three electors, and state sufficient facts to show the appellants' right to appeal the order. The superintendent of public instruction shall review the appeal, and after considering the material presented at the county superintendent's hearing and such other material as may be presented, he shall render a decision on the creating of the new high school district. Such decision is final.

(5) When a new high school district is created, the trustees of the elementary district where the high school buildings are located are the new high school trustees. Any trustee position vacancies that may occur in the other districts must be filled in the manner provided for filling trustee position vacancies for such district.

(6) The order of the county superintendent or, if his order is appealed, the decision of the superintendent of public instruction creating a new district under this section is null and void and the new district ceases to exist if the district does not open and operate a school within 2 years after the date of such order or decision. If the new district does not satisfy this requirement, the territory must be reincorporated in the district or districts in which it was located before the creation of such new district and the trustees are thereafter without capacity to act.

(7) If a petition has been filed under the provisions of this section and denied by the county superintendent, no new petition may be filed until 1 year after the final decision on the original petition."
Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

HB 444, third reading copy, be amended as follows:

1. Title, line 11.
Following: "MCA"
Insert: "; PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 6.
Following: line 4
Insert: "NEW SECTION. Section 2. Effective date. This act is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
HB 444

A statement of intent is required of this bill because it grants authority to the Superintendent of Public Instruction to prioritize budget items to determine total amounts to be distributed to districts for special education.

It is intended that the prioritization be aimed at providing maximum funding for basic required or mandated services and least funding for other allowable services. The priorities must be structured to provide the most services to the greatest number of students within the limitations of local conditions. The priorities should be established by a combination of mandated services, student/teacher ratios, and local conditions that affect costs of providing services. The district's share of the funding is not intended to be line-itemed by the Office of Public Instruction; the bill provides a manner for determining the funding to be received by the districts. The manner in which the funds are to be used by the district is to be done within the allowable cost schedule provided in 20-7-431.

HB 591, third reading copy, be amended as follows:

1. Title, line 6.
Following: "~~OFFERED;~~"
Insert: "TO ALLOW A TEACHER WHO IS A SPECIALIST IN A POSITION REQUIRING PROFESSIONAL LICENSURE THE SAME OPPORTUNITY FOR TENURE THAT OTHER TEACHERS ARE OFFERED;"

2. Page 1, line 15.
Following: "certification"
Insert: "or professional licensure,"

3. Page 1, line 16.
Strike: "OR SPECIALIST"

And, as amended, be concurred in. Report adopted.

HB 772, third reading copy, be amended as follows:

1. Title, line 8.
Following: "APPROVE"
Insert: "CERTAIN"

2. Page 2, line 1.
Following: "miles"
Insert: "within its own district or approved service area"

And, as amended, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
HB 279, third reading copy, be amended as follows:

1. Title, line 11.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 8.
Following: line 16
Insert: "Section 5. Effective date. This act is effective upon passage and approval."

And, as amended, be concurred in. Report adopted.

HB 663, third reading copy, be amended as follows:

1. Statement of Intent, page 1, line 22.
Strike: "10"
Insert: "12"

2. Page 2, line 22.
Following: "~~10~~"
Insert: "no less than 7 and no more than"

3. Page 3, line 1.
Strike: subsection (4) in its entirety
Renumber: subsequent subsection

4. Page 3, lines 8 and 9.
Strike: "without regard to subsection (4)"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House, on 3/23/83, requested the return of SB 95, introduced by McCallum, et al., for further consideration.

MOTIONS

Senator Hazelbaker moved that the Senate accede to the request of the House of Representatives and return SB 95 for further consideration. Motion carried as follows:

Ayes: Aklestad, Boylan, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Story, Thomas, Turnage, Tveit.
Total 28

Noes: Berg, Blaylock, Christiaens, Conover, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lane, R. Manning, Mazurek, Regan, Stimatz, Towe.
Total 16

Excused: None.
Total 0

Absent or not voting: Brown, Lynch, D. Manning, Smith, Van Valkenburg, Mr. President.

Total 6

Senator Marbut moved that HB 714 be taken from the Committee on State Administration and that it be referred to the Committee on Judiciary. Motion carried unanimously.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 6:45 p.m., until Thursday, March 24, 1983, at the hour of 2:30 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
March 24, 1983

Senate Chambers
State Capitol

Senate convened at 2:30 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except D. Manning, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the sixty-sixth legislative day, find the same to be correct.

Tveit, Chairman

SPECIAL ORDERS OF THE DAY

The University of Montana Chamber Chorale, under the direction of Donald Carey, performed for the Senate.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 9.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 246, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: Brown, Thomas.
Total 2

SB 403, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 422, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: Galt, Shaw.
Total 2

SB 432, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 445, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: Shaw.

Total 1

SB 453, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 182 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Fuller.
Total 1

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 215 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: Marbut, Shaw.
Total 2

HB 257 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 331 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 384 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Eck, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Daniels, Dover, Elliott, Gage, Lee, Shaw, Smith.
Total 7

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 421 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Smith,

Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Ochsner, Shaw.
Total 2

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 449 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 491 concurred in as follows:

Ayes: Berg, Boylan, Brown, Conover, Crippen, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Mazurek, McCallum, Mohar, Norman, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 36

Noes: Aklestad, Blaylock, Christiaens, Daniels, Elliott, Halligan, Hazelbaker, Marbut, Ochsner, Regan, Smith, Tveit.
Total 12

Excused: D. Manning.
Total 1

Absent or not voting: Hammond.
Total 1

HB 529 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.

Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 602 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Christiaens, Hager, Mohar, Towe.
Total 4

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 603 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 618 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.

Total 0

HB 634 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 678 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 795 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 802 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Fuller, Galt, Goodover, Graham, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Boylan, Elliott, Etchart, Gage, Hager, Hammond, Shaw, Smith.
Total 8

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 825 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: Boylan.
Total 1

HB 855 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HJR 14 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw,

Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Gage.
Total 1

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Galt in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 193 - That consideration on HB 193 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Lynch, R. Manning, Towe.
Total 3

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 399 - That consideration on HB 399 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.

Total 0

HB 465 - That HB 465, third reading copy, be amended as follows:

1. Title, line 21.
Strike: "33-16-203"

2. Page 12, line 24 through page 13, line 10.
Strike: section 5 in its entirety
Renumber: subsequent subsections

3. Page 13, line 4.
Following: "~~filing~~"
Insert: ", together with supporting data sufficient to substantiate such filing"

4. Page 13, line 10.
Following: "~~data~~"
Insert: "and must be accompanied by supporting data"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

That HB 465, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 847 - That HB 847 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 862 - That HB 862, third reading copy, be amended by adding the following statement of intent:

Statement of Intent
HB 862

A statement of intent is required for HB 862 because if affects the rulemaking and licensing authority of the Department of Health and Environmental Sciences relating to possession and use of radioactive materials and devices utilizing such materials. Under current law, 75-3-202, MCA, mandates the department to adopt rules for general or specific licensing of persons to receive, possess or transfer radioactive materials and devices utilizing such materials. However, because of budgetary constraints, the department has been unable to implement the licensing program. HB 862 would give the department the discretion to adopt and enforce such rules when legislative appropriations make program implementation possible.

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

That HB 862, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 9 - That HB 9, third reading copy, be amended as follows:

1. Title, line 11.
Strike: "AN IMMEDIATE"
Insert: "A DELAYED"

Amendment failed as follows:

Ayes: Blaylock, Boylan, Etchart, Fuller, Graham, R. Manning, Marbut, McCallum, Mohar, Ochsner, Regan, Smith, Thomas, Towe, Tveit.
Total 15

Noes: Aklestad, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Gage, Galt, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, Mazurek, Norman, Severson, Shaw, Stimatz, Story, Turnage, Van Valkenburg, Mr. President.
Total 29

Excused: D. Manning.
Total 1

Absent or not voting: Berg, Brown, Crippen, Goodover, Lee.
Total 5

That HB 9, third reading copy, be amended as follows:

1. Page 3, line 12.
Strike: "upon passage and approval"
Insert: "July 1, 1985."

Amendment withdrawn.

That HB 9 be concurred in. Motion carried as follows:

Ayes: Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lee, R. Manning, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage.
Total 36

Noes: Aklestad, Boylan, Gage, Hammond, Kolstad, Ochsner, Smith, Tveit.
Total 8

Excused: D. Manning.
Total 1

Absent or not voting: Berg, Lynch, Marbut, Van Valkenburg, Mr. President.
Total 5

HB 24 - That HB 24 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover,

Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Dover, Hammond.
Total 2

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 93 - That HB 93 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 99 - That HB 99 be indefinitely postponed. Motion failed as follows:

Ayes: Aklestad, Boylan, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hammond, Hazelbaker, Keating, Kolstad, Lane, Lee, McCallum, Ochsner, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 24

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Gage, Haffey, Hager, Halligan, Himsl, Jacobson, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 25

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

That HB 99 be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Gage, Haffey, Hager, Halligan, Himsl, Jacobson, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 26

Noes: Aklestad, Boylan, Dover, Elliott, Etchart, Galt, Goodover, Graham, Hammond, Hazelbaker, Keating, Kolstad, Lane, Lee, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 23

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 100 - That consideration on HB 100 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 121 - That HB 121 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 172 - That HB 172 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.

Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 176 - That HB 176 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 221 - That HB 221, third reading copy, be amended as follows:

1. Page 1, line 10.
Following: "officer."
Strike: "A"
Insert: "Unless destruction may be otherwise required by federal law, a"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

That HB 221, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson,

Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 279 - That HB 279 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 306 - That HB 306 be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Daniels, Dover, Eck, Fuller, Gage, Galt, Graham, Hager, Halligan, Keating, R. Manning, Marbut, Mazurek, Regan, Stimatz, Story, Thomas, Towe, Mr. President.
Total 24

Noes: Aklestad, Crippen, Elliott, Etchart, Goodover, Haffey, Himsl, Jacobson, Lane, McCallum, Mohar, Ochsner, Severson, Shaw, Smith, Van Valkenburg.
Total 16

Excused: D. Manning.
Total 1

Absent or not voting: Boylan, Hammond, Hazelbaker, Kolstad, Lee, Lynch, Norman, Turnage, Tveit.
Total 9

HB 312 - That HB 312 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.

Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 329 - That HB 329 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 47

Noes: Story, Van Valkenburg.
Total 2

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 343 - That HB 343 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Galt moved the adoption of the committee report. Report adopted.

Senate stood in recess subject to the call of the Chair at 4:31 p.m.

Senate resumed at 4:44 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
HB 545, third reading copy, be amended as follows:

1. Page 5, line 4.

Following: "paid"
Insert: ", without interest,"

2. Page 5, line 16.
Strike: "Exemption."
Insert: "Exemptions. (1)"

3. Page 5, line 25.
Following: line 24
Insert: "(2) Grain on which a commodity credit corporation loan was made prior to July 1, 1983, is not subject to the assessment imposed in [section 4]. No claim may be made under [this act] for any loss of grain for which no assessment was paid under [this act]."

4. Page 6, line 21.
Following: line 20
Strike: "Section 11. Insurance contracts. Until such time that the account first reaches a balance of $10 million, the department may enter into insurance contracts and pay premiums therefor from the account for the purpose of supplementing payments from the account for claims of grain producers presented under [section 6]."
Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
HB 698, be concurred in. Report adopted.

JUDICIARY (Turnage, Chairman):
SJR 24, do pass. Report adopted.
HB 608, be concurred in. Report adopted.
HB 609, be concurred in. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
HB 718, third reading copy, be amended as follows:

1. Page 2, line 14.
Following: line 13
Insert: "(7) The proportionate costs referred to in subsection (1) of this section shall be only those additional costs incurred as a result of the political subdivision holding its election in conjunction with the primary or general election."

And, as amended, be concurred in. Report adopted.

HB 732, be concurred in. Report adopted.
HB 872, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HJR 30, be concurred in. Report adopted.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman):
HB 809, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Boylan, Brown, Crippen, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lane, Marbut, McCallum, Norman, Ochsner, Shaw, Smith, Story, Thomas, Turnage, Van Valkenburg.
Total 27

Noes: Berg, Blaylock, Christiaens, Daniels, Dover, Eck, Fuller, Halligan, Himsl, Jacobson, Lynch, R. Manning, Mazurek, Mohar, Regan, Stimatz, Towe.

Total 17

Excused: D. Manning.
Total 1

Absent or not voting: Conover, Lee, Severson, Tveit, Mr. President.
Total 5

BUSINESS AND INDUSTRY (Kolstad, Chairman):
HB 534, be concurred in. Report adopted.
HB 595, be concurred in. Report adopted.
HB 818, be concurred in. Report adopted.
HB 853, third reading copy, be amended as follows:

1. Statement of Intent, page 2, line 3.
Following: line 2
Insert: "It is the intent of the legislature, that if the board decides to authorize new forms of racing not currently engaged in in Montana, it shall do so after holding public hearings to determine the effects of these forms of racing on the existing saddle racing program in Montana. The board should consider both economic and safety impacts on the existing racing and breeding industry."

2. Page 6, line 24.
Following: "WAGER"
Strike: "ON"
Insert: "at"

3. Page 7, line 2.
Following: "~~member.~~"
Insert: "The governor may not appoint any member who would have a conflict of interest during his term of appointment."

4. Page 9, line 10.
Following: "govern"
Strike: "race"
Insert: "horserace"

5. Page 10, line 15.
Following: "~~year.~~"
Insert: "If the board decides to authorize new forms of racing not currently engaged in in Montana, it shall do so after holding public hearings to determine the effects of these forms of racing on the existing saddle racing program in Montana. The board should consider both economic and safety impacts on the existing racing and breeding industry."

6. Page 10, line 24.
Following: "officials"
Insert: "for the department"

7. Page 12, line 3.
Strike: "at a race course in this state"

8. Page 14, line 9.
Following: "OF"
Insert: "exotic"
Following: "ON"
Strike: "EXOTIC"

9. Page 14, line 10.
Following: "23-4-304(2)"
Insert: ","

Following: "AND"
Insert: "up to 30% of the amount set aside may be used"

10. Page 14, line 16.
Following: "FORMS OF"
Insert: "wagering on"

11. Page 16, line 13.
Following: "EXOTIC"
Insert: "wagering on"

12. Page 17, line 6.
Following: "chapter."
Insert: "The licensee shall, at the same time, pay to the department all sums collected under 23-4-202(4)(d) on exotic wagering on races."

13. Page 17, line 15.
Following: "department"
Insert: ", after first passing through the board's agency fund account,"

And, as amended, be concurred in. Report adopted.

HB 871, third reading copy, be amended as follows:

1. Page 2, line 8.
Following: line 7
Insert: "(5) "Local government" means the city in which the project is located, if the project is located within an incorporated municipality, or the county if the project is located within the county but outside the boundaries of an incorporated municipality.

(6) "Major project" means a project whose cost or appraised value exceeds $800,000."
Renumber: subsequent subsections

2. Page 15, line 21.
Following: "to"
Strike: "complement"
Insert: "implement"

3. Page 15, line 22.
Following: "26]."
Strike: remainder of line 22 through page 16, line 6

4. Page 27, line 16.
Following: line 15
Insert: "cost or"

5. Page 27, line 18.
Following: "project"
Insert: "if the cost or appraised value is less than $1 million"

6. Page 27, line 20.
Following: "board"
Insert: ", provided, however, that participation by a financial institution in projects of over $1 million is at the discretion of the board"

7. Page 27, line 22.
Following: "private"
Insert: "or"

8. Page 30, line 1.
Following: "~~accountability~~"

Strike: remainder of line 1 through "PUBLIC" on line 3
Insert: "be broadly representative of the state, seeking to balance professional expertise and public interest and accountability"

And, as amended, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, Chairman):
HB 749, third reading copy, be amended as follows:

1. Page 4, lines 15 through 17.
Strike: subsection (c) in its entirety
Renumber: subsequent subsections

2. Page 6, line 10.
Following: "state"
Insert: "permit job sharing in certain positions when it is considered to maintain or increase efficiency in such positions and"

And, as amended, be concurred in. Report adopted.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
SR 5, introduced bill, be amended as follows:

1. Page 1, line 22.
Following: "and"
Strike: "partisans"
Insert: "valiant Italian resistance"

And, as amended, be adopted. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 283, third reading copy, be amended as follows:

1. Page 2, line 1.
Following: "goods"
Insert: "or services"

2. Page 3, line 7.
Following: "services,"
Insert: "consulting,"

3. Page 3, line 8.
Following: "charge"
Strike: "(other than volunteer services)"

4. Page 3, line 16.
Following: "services."
Insert: "Donated services must be valued at the standard prevailing rate of wages, including fringe benefits for health and welfare and pension contributions and travel allowance provisions applicable to the county or locality in which the work is being performed, as that term is defined in 18-2-401(5) and determined in 18-2-402."

5. Page 3.
Following: line 16
Insert: "(d) Volunteer services include those services to a candidate or political committee provided by a person who is not receiving financial reimbursement from a candidate or political action committee."

6. Page 10, line 2.
Strike: "MONETARY"

7. Page 10, line 3.

Following: "exceed"
Strike: "20%"
Insert: "35%"

8. Page 10, line 8.
Following: "(B)"
Strike: "AT NO TIME MAY"
Insert: "In the 1984 election"
Following: "OF"
Strike: "MONETARY"

9. Page 10, line 10.
Following: "SENATE"
Insert: "may not"
Following: "EXCEED"
Strike: "$1,000 or $600"
Insert: "$2,500 or $1,500"

10. Page 10, line 11.
Following: "REPRESENTATIVES."
Insert: "The foregoing limitations shall be multiplied by the inflation factor, as defined in 15-30-101(8), for the year in which general elections are held after 1984. The commissioner of political practices shall publish the revised limitations as a rule."

11. Page 10, line 12.
Following: "CONTRIBUTIONS"
Strike: "MAY NOT"
Insert: "shall"

12. Page 11, line 10.
Strike: "$5,000"
Insert: "$15,000"

13. Page 11, line 11.
Strike: "$2,500"
Insert: "$7,500"

14. Page 11, line 12.
Strike: "$8,000"
Insert: "$15,000"

15. Page 11, line 13.
Strike: "$3,000"
Insert: "$7,500"

16. Page 11, line 15.
Strike: "$10,000"
Insert: "$15,000"

17. Page 11, line 16.
Strike: "$3,000"
Insert: "$7,500"

18. Page 11, line 17.
Strike: "$2,000"
Insert: "$7,500"

19. Page 11, line 18.
Strike: "$2,000"
Insert: "$7,500"

20. Page 11, line 19.

Strike: "$2,000"
Insert: "$7,500"

21. Page 11, line 20.
Strike: "$2,000"
Insert: "$7,500"

22. Page 11, line 21.
Strike: "$2,000"
Insert: "$7,500"

And, as amended, be concurred in. Report adopted.

HB 625, third reading copy, be amended as follows:

1. Title, line 6.
Strike: "UP TO"

2. Page 3, line 2.
Strike: "UP TO"

3. Page 3, line 4.
Following: "for"
Insert: "new"

4. Page 3, line 23.
Following: "ART."
Insert: "The Montana Arts Council may submit a recommendation even if the architecture and engineering division of the department of administration has determined that a structure is not appropriate for inclusion of works of art."

And, as amended, be concurred in. Report adopted.

HB 689, third reading copy, be amended as follows:

1. Page 4, line 22.
Following: "part"
Strike: remainder of line 22 through page 5, line 2

And, as amended, be concurred in. Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Galt in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 358 - That HB 358, third reading copy, be amended as follows:

1. Page 1, line 19.
Following: line 18
Insert: "Section 2. Unlawful discriminatory practice defined. For the purposes of [this act] an "unlawful discriminatory practice" includes but is not limited to discrimination in the availability of insurance. The term does not include differences in rating premiums, or benefits based upon sex or marital status as a generally recognized and verifiable actuarial risk classification."

Amendment failed as follows:

Ayes: Aklestad, Boylan, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lee, McCallum, Ochsner, Severson, Shaw, Smith, Story, Tveit, Mr. President.
Total 24

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Halligan, Himsl, Jacobson, Lane, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 24

Excused: D. Manning.
Total 1

Absent or not voting: Turnage.
Total 1

That HB 358, third reading copy, be amended as follows:

1. Title, line 8.
Following: "DATE"
Insert: "AND AN APPLICABILITY CLAUSE"

2. Page 1, line 23.
Following: line 22
Insert: "Section 3. Applicability. This act does not apply to any insurance policy, plan, coverage, or any pension or retirement plan, program, or coverage in effect prior to October 1, 1985."
Renumber: subsequent section

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Daniels.
Total 1

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

That HB 358, as amended, be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Eck, Fuller, Gage, Goodover, Graham, Haffey, Halligan, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 33

Noes: Aklestad, Crippen, Dover, Elliott, Etchart, Galt, Hager, Hammond, Hazelbaker, Keating, Ochsner, Severson, Shaw, Smith, Tveit, Mr. President.

Total 16

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 360 - That HB 360 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 371 - That HB 371 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 415 - That HB 415 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 419 - That HB 419 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 426 - That HB 426 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 428 - That HB 428 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 444 - That HB 444 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Galt moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly enrolled: SB 185, SB 293, SB 354, SB 392, SB 425, SB 435.
Examined by the sponsor (Christiaens) and found to be correct: SB 354.
Examined by the sponsor (Elliott) and found to be correct: SB 392.
Examined by the sponsor (Fuller) and found to be correct: SB 435.
Examined by the sponsor (Galt) and found to be correct: SB 185.
Examined by the sponsor (Hager) and found to be correct: SB 293.
Examined by the sponsor (Regan) and found to be correct: SB 425.
Signed by the President at 5:00 p.m., 3/24/83: SB 185, SB 293, SB 354, SB 392, SB 425, SB 435, HB 94, HB 296, HB 301, HB 302, HB 315, HB 401, HB 489, HB 492, HB 501, HB 514, HB 530, HB 531, HB 532, HB 626, HB 655, HB 764, HJR 18.
Delivered to the Governor for his approval at 11:15 a.m., 3/24/83: SB 101, SB 242, SB 349, SB 398.

JUDICIARY (Turnage, Chairman):
HB 357, third reading copy, be amended as follows:

1. Page 2, line 24.
Following: "employer."
Insert: "If the employee is an elected state official or other employee having no supervisor, the employee shall give notice of the action to the legal officer or agency of the governmental entity defending the entity in legal actions of that type."

2. Page 3, line 17.
Following: "unless the"
Insert: "employee's"

3. Page 3, lines 18 and 19.
Strike: "upon" on line 18 through "employment" on line 19

4. Page 3, line 20.
Strike: "or"

5. Page 4, line 5.
Strike: "civil suit"
Insert: "liability"

6. Page 4, line 10.
Following: "in"
Insert: "(b) through (d) of"

7. Page 4, line 17.
Following: "based"
Insert: "constitutes oppression, fraud, or malice, or for any other reason"

8. Page 5, line 1.
Following: "If"
Insert: "no judicial determination has been made applying the exclusions provided in subsection (6), the governmental entity employer may determine whether those exclusions apply. However, if"

9. Page 5, line 9.
Following: "employee."
Insert: "The governmental entity employer has no obligation to provide a defense to the employee in a declaratory judgment action or other legal action brought against the employee by the employer under this subsection."

And, as amended, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, Chairman):
HB 281, third reading copy, be amended as follows:

1. Title, line 9.
Following: line 8
Insert: "AND BY ALLOWING EMPLOYEES OF HOSPITALS AND SIMILAR ESTABLISHMENTS TO AGREE TO A 14-DAY, 80-HOUR WORK PERIOD"

2. Page 6, line 15.
Following: ":"
Strike: "or"

3. Page 7, line 3.
Following: "THROUGH"
Strike: ":"

4. Page 7, line 4.
Following: line 3
Strike: "(I)" on line 4

5. Page 7, line 5.
Following: "EMPLOYEE"
Strike: ":"

6. Page 7, line 6.
Following: line 5
Strike: "(II)" on line 6

7. Page 7, line 7.
Following: "NO"
Strike: "BARGAINING UNIT IS RECOGNIZED"
Insert: "collective bargaining agreement exists or is in the process of being negotiated"

8. Page 7.

Following: line 10
Insert: "(o) An employee of a hospital or other establishment primarily engaged in the care of the sick, disabled, aged, or mentally ill or defective who is working under a work period not exceeding 80 hours in a 14-day period established through either a collective bargaining agreement when a collective bargaining unit represents the employee or by mutual agreement of the employer and employee where no bargaining unit is recognized. Employment in excess of 8 hours per day or 80 hours in a 14-day period must be compensated for at a rate of not less than 1 ½ times the hourly wage rate for the employee."

9. Page 9, lines 7 and 9.
Strike: "(I)"
Insert: "(a)"
Strike: "(II)"
Insert: "(b)"

10. Page 9, line 8.
Following: "UNIT"
Strike: "PRESENTS"
Insert: "represents"

11. Page 9, line 10.
Following: "NO"
Strike: "BARGAINING UNIT IS RECOGNIZED"
Insert: "collective bargaining agreement exists or is in the process of being negotiated"

And, as amended, be concurred in. Report adopted.

HB 309, third reading copy, be amended as follows:

1. Page 2, line 4.
Following: "hours,"
Insert: "or"

2. Page 2, line 5.
Following: "involuntarily"
Strike: "or reprimanded in writing,"

3. Page 2, line 15.
Following: "also ~~be~~"
Insert: "a"

4. Page 2, lines 18 through 22.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

5. Page 3, line 10.
Following: "employee"
Strike: "is" through "aggrieved" on line 11
Insert: "was terminated, demoted, suspended, or laid off for more than 40 working hours or transferred to another geographical location involuntarily and that the action was taken without just cause, in violation of law, in retaliation for filing or attempting to file a grievance appeal or in violation of state or agency rules or written policies which resulted in substantial prejudice to the rights of the employee"

6. Page 3, line 21.
Following: "court"

Strike: "— costs and fees. (1)"
Insert: "."

7. Page 3, line 22.
Following: line 21
Strike: "board, the"
Following: "agency"
Strike: ","

8. Page 4, lines 13 and 14.
Strike: subsection (2) in its entirety

And, as amended, be concurred in. Report adopted.

HB 826, third reading copy, be amended as follows:

1. Page 1, line 16.
Following: "compensation"
Strike: remainder of line 16 through "BARGAINING AGREEMENT" on line 19

And, as amended, be concurred in. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):
HB 445, third reading copy, be amended as follows:

1. Page 2, lines 14 and 15.
Strike: "DESCRIBED IN SUBSECTION (2) designate"
Insert: "designating"

2. Page 2.
Following: line 17
Insert: "(3) The part of a restaurant reserved for nonsmokers under subsection (1)(b) may be moved or reduced in size during those times of a day when the whole public area of the restaurant is not open to the public."

And, as amended, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 521, third reading copy, be amended as follows:

1. Page 3, line 4.
Following: "be"
Strike: remainder of line 4 through "state" on line 5
Insert: "made"

2. Page 3, line 7.
Following: "people."
Insert: "All persons responsible for appointing members to such committees shall submit to the secretary of state the names and addresses of three prospective appointees for each position, set forth in the order of preference of appointment, no later than 3 weeks before the deadline for making such appointments."

3. Page 3, line 11.
Strike: "filed with the secretary of state"
Insert: "made"

4. Page 3, line 12.
Following: line 12
Strike: lines 13 through 18 in their entirety
Insert: "All persons responsible for appointing members to the committee shall submit to the secretary of state the names and

addresses of two prospective appointees for each position, set forth in the order of preference of appointment, no later than 2 weeks after the final date for filing the petition in accordance with 13-27-301."

5. Page 3, line 19.
Strike: "A person appointed"
Insert: "All prospective appointees"

6. Page 3, line 21.
Strike: "appointing authority"
Insert: "secretary of state"

7. Page 3, line 22.
Following: "before"
Strike: remainder of line 22 through "state" on line 23
Insert: "the appointment deadline specified in subsection (1)"

8. Page 3, line 23.
Strike: "An"
Insert: "A prospective"

9. Page 3, line 25.
Strike: "appointing authority by certified mail"
Insert: "secretary of state"

10. Page 4, line 1.
Strike: "appointing authority"
Insert: "secretary of state"

11. Page 4, line 4.
Strike: "A PERSON APPOINTED"
Insert: "All prospective appointees"

12. Page 4, line 5.
Strike: "APPOINTING AUTHORITY"
Insert: "secretary of state"

13. Page 4, line 7.
Following: "BEFORE"
Strike: remainder of line 7 through "STATE" on line 8
Insert: "the appointment deadline specified in subsection (2)"

14. Page 4, line 8.
Strike: "AN"
Insert: "A prospective"

15. Page 4, line 9.
Strike: "APPOINTING AUTHORITY BY CERTIFIED MAIL"
Insert: "secretary of state"

16. Page 4, line 10.
Strike: "APPOINTING AUTHORITY"
Insert: "secretary of state"

17. Page 4, lines 13 through 17.
Strike: subsection (5) in its entirety
Insert: "(5) The secretary of state shall determine which of the prospective appointees assenting to serve on the committee shall be appointed, according to the order of preference specified by the appointing authority, and shall so notify all prospective appointees by the appointment deadline specified in subsection (1) or (2), respectively."

And, as amended, be concurred in. Report adopted.

HB 846, third reading copy, be amended as follows:

1. Title, line 6.
Following: "POLITICAL"
Strike: remainder of line 6 through "POLITICAL" on line 7

2. Title, line 7.
Following: "EMPLOYEES"
Strike: remainder of line 7 through "JOB" on line 8
Insert: "AND OFFICIALS"

3. Title, line 8.
Following: "MCA"
Insert: "; AND REPEALING SECTION 87-1-204, MCA"

4. Page 1.
Following: line 10
Insert: "Section 1. Political activity of public employees. (1) While retaining the right to vote as he may please, the right to express his opinions on all political questions, and the right to participate in and support the candidacy of any person for a public office, an employee of the state of Montana or any political subdivision of the state may not use his official authority or influence for the purpose of interfering with an election or affecting the results thereof or for the purpose of coercing or influencing the political actions of any person or body, other than as provided in this section and [section 2.]

(2) No such employee may solicit support or opposition to any political committee, the nomination or election of any person to public office, or the passage of a ballot issue while on the job or at his place of employment, and no such employee may use his official title or authority when offering public testimony on behalf of any issue, cause, or political purpose except as provided in this section and [section 2].

(3) Such employee may appear and testify before any committee of the legislature only:

(a) upon invitation of a legislator;

(b) for informational purposes; or

(c) when exercising his rights as a private citizen and not acting in any official capacity.

Section 2. Registration of public officials as spokesmen. (1) The head of each board, commission, department, or agency of state government and the governing body of any unit of local government shall, at least 15 days prior to each legislative session, file with the secretary of state a list of the officials or employees who are designated as official spokesmen representing such governmental board, commission, department, agency, or unit before the legislature. The secretary of state must be promptly notified of any change of authorized spokesmen.

(2) The secretary of state shall record in a legislative docket the information supplied under this section and shall furnish current, complete lists thereof to the clerk of each house and to each member of the legislature. The records required to be kept by this section must be open to public inspection and copying during the regular business hours of the secretary of state.

Section 3. Penalty. Any person who violates the provisions of [section 1 or 2] or 13-35-226 shall be fined not more than $1,000."
Renumber: subsequent section

5. Page 1, line 12.
Strike: "and employees"

6. Page 2, lines 13 through 24.
Strike: subsections (3) and (4) in their entirety

7. Page 2.
Following: line 24
Insert: "Section 5. Codification instruction. Sections 1 through 3 are intended to be codified as an integral part of Title 13.

Section 6. Repealer. Section 87-1-204, MCA, is repealed."

And, as amended, be concurred in. Report adopted.

HIGHWAYS AND TRANSPORTATION (Etchart, Chairman):
HB 479, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, Marbut, Mazurek, McCallum, Norman, Ochsner, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Mr. President.
Total 40

Noes: Berg, Eck, Fuller, R. Manning, Mohar, Regan, Towe, Van Valkenburg.
Total 8

Excused: D. Manning.
Total 1

Absent or not voting: Severson.
Total 1

LOCAL GOVERNMENT (McCallum, Chairman):
HB 643, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Boylan, Brown, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 36

Noes: Berg, Blaylock, Christiaens, Conover, Eck, Halligan, R. Manning, Mazurek, Mohar, Norman, Regan, Van Valkenburg.
Total 12

Excused: D. Manning.
Total 1

Absent or not voting: Himsl.
Total 1

PUBLIC HEALTH, WELFARE AND SAFETY (Hager, Chairman):

HB 284, as amended, be not concurred in. Thereupon, the adverse committee report was not adopted as follows:

Ayes: Aklestad, Boylan, Conover, Elliott, Etchart, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Lynch, McCallum, Norman, Ochsner, Severson, Shaw, Stimatz, Story, Mr. President.
Total 21

Noes: Berg, Blaylock, Christiaens, Crippen, Dover, Eck, Fuller, Gage, Haffey, Halligan, Jacobson, Keating, Kolstad, Lane, Lee, R. Manning, Mazurek, Mohar, Regan, Smith, Thomas, Towe, Tveit, Van Valkenburg.
Total 24

Excused: D. Manning.
Total 1

Absent or not voting: Brown, Daniels, Marbut, Turnage.
Total 4

HB 708, as amended, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Boylan, Brown, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Kolstad, Lee, McCallum, Ochsner, Severson, Shaw, Story, Thomas, Turnage, Tveit, Mr. President.
Total 26

Noes: Berg, Blaylock, Christiaens, Conover, Crippen, Eck, Fuller, Haffey, Halligan, Jacobson, Keating, Lane, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 22

Excused: D. Manning.
Total 1

Absent or not voting: Smith.
Total 1

STATE ADMINISTRATION (Story, Chairman):

HB 295, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, R. Manning, Marbut, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Aklestad, Kolstad, Lee.
Total 3

Excused: D. Manning.
Total 1

Absent or not voting: Mazurek.
Total 1

Senators Eck, Elliott, Halligan, and Mazurek excused at 6:40 p.m.

FISH AND GAME (Smith, Chairman):

Majority Report

Majority committee members are:

Senator Severson
Senator Tveit
Senator Lane
Senator Smith

HB 377, as amended, be not concurred in. Thereupon, the majority committee report failed to be adopted.

Minority Report

Minority committee members are:

Senator Mohar
Senator Lee
Senator Jacobson

HB 377, third reading copy, be amended as follows:

1. Title, line 10.
Following: "MONTANA;"
Insert: "TO PROVIDE FOR FISH AND GAME COMMISSION APPROVAL OF THE USE OF SUCH FUNDS;"

2. Page 3, line 18.
Following: "account"
Insert: "except as provided in subsection (4)"

3. Page 3, line 20.
Following: "department"
Insert: ", upon the approval of the commission as determined under [section 4],"

4. Page 4, line 6.
Following: line 5
Insert: "(4) The department of revenue may deduct from collections an amount not to exceed $9,638 in fiscal year 1984 and $6,238 in fiscal year 1985 for administering the voluntary checkoff program. The department is authorized to spend the amounts and hire necessary personnel."

5. Page 5, line 3.
Following: line 2
Insert: "NEW SECTION. Section 4. Duties of commission. (1) The commission shall review and approve annually the nongame wildlife management projects recommended by the department for funding from the nongame wildlife account. The commission shall provide for public comment during the review and approval process.

(2) The commission may adopt rules governing:

(a) the use of the nongame wildlife account set forth in [section 2]; and

(b) the review and approval process set forth in subsection (1)."
Renumber: subsequent sections

6. Page 5, line 4.
Strike: "49th"
Insert: "50th"

7. Page 5, line 8.
Strike: "Section"

Insert: "Sections"
Following: "2"
Strike: "is"
Insert: "and 4 are"

8. Page 5, line 10.
Strike: "section"
Insert: "sections"
Following: "2"
Insert: "and 4"

9. Page 5, line 17.
Strike: "July 1"
Insert: "December 31"

And, as amended, be concurred in. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
HB 377

A statement of intent is required of this bill because rulemaking authority is granted to the Fish and Game Commission in section 4 for the use of the nongame wildlife account and for the review and approval process for nongame wildlife management projects.

It is intended that the rules promulgated by the Commission would include adequate provisions for public notice and comment during the review and approval process.

HB 377, be concurred in. Thereupon, the minority committee report was adopted as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Crippen, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Keating, Kolstad, Lee, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Stimatz, Towe, Turnage, Van Valkenburg.
Total 25

Noes: Aklestad, Boylan, Conover, Dover, Elliott, Etchart, Gage, Galt, Graham, Hager, Hammond, Hazelbaker, Himsl, Lane, McCallum, Ochsner, Severson, Shaw, Smith, Story, Thomas, Tveit, Mr. President.
Total 23

Paired: Eck, Halligan, Mazurek, Regan, Ayes; Aklestad, Elliott, Gage, Smith, Noes.

Excused: D. Manning.
Total 1

Absent or not voting: Goodover.
Total 1

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

March 23, 1983

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bill 65, 87, 127, 132, 213, 243, 245, 291, 301, 302, 308, 332, 352, 353, 400, 409, 420, 423, 455.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate bills concurred in and returned to the Senate: 3/23/83

SB 2, introduced by Aklestad

SB 125, introduced by Blaylock, Mazurek

SB 137, introduced by Himsl, Blaylock

SB 174, introduced by Himsl, Elliott

SB 208, introduced by Jacobson, Vincent

SB 248, introduced by Towe, Addy

SB 250, introduced by Goodover, Fabrega

SB 264, introduced by Graham, Galt

SB 265, introduced by Graham, Galt

SB 267, introduced by Etchart, Boylan

SB 305, introduced by R. Manning

SB 314, introduced by Stimatz

SB 324, introduced by Towe, Regan

SB 340, introduced by Galt, Lee

SB 447, introduced by Norman, Pavlovich

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 3/23/83

SB 126, introduced by E. Smith, Nilson

SB 170, introduced by Boylan

SB 203, introduced by Towe, Blaylock

SB 249, introduced by Towe, Fabrega

SB 280, introduced by Fuller, Lybeck

SB 292, introduced by Goodover, Pavlovich

SB 370, introduced by Etchart, Galt

SB 384, introduced by Turnage, et al.

SB 394, introduced by B. Brown, Halligan

SB 401, introduced by Boylan, et al.

SB 448, introduced by Lane, et al.

House bills passed as amended and transmitted to the Senate for concurrence: 3/23/83

HB 667, introduced by Switzer, et al.

HB 890, introduced by Hand

House bills passed and transmitted to the Senate for concurrence: 3/23/83

HB 526, introduced by Smith, et al.

HB 550, introduced by Yardley

HB 892, introduced by Nilson

HB 907, introduced by Dozier

Senate bill not concurred in as amended and returned to the Senate: 3/23/83

SB 412, introduced by Lynch, Waldron

MOTIONS

Senator Haffey moved that the Senate reconsider its action in adopting the adverse committee report on HJR 11 and that it be printed and placed on second reading. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Norman, Ochsner, Regan, Smith, Stimatz, Thomas, Towe, Van Valkenburg.
Total 25

Noes: Aklestad, Brown, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Severson, Shaw, Story, Tveit, Mr. President.
Total 20

Paired: Eck, Halligan, Mazurek, Regan, Ayes; Elliott, Galt, Hammond, Tveit, Noes.

Excused: D. Manning.
Total 1

Absent or not voting: Graham, Marbut, McCallum, Turnage.
Total 4

Senator Hager moved that HB 284 be taken from the Committee on Public Health, Welfare and Safety and that it be printed and placed on second reading. Motion carried unanimously.

Senator Goodover moved that HB 193 be taken from second reading and that it be referred to the Committee on Business and Industry. Motion carried as follows:

Ayes: Aklestad, Boylan, Brown, Crippen, Daniels, Dover, Etchart, Galt, Goodover, Haffey, Hager, Hammond, Hazelbaker, Himsl, Keating, Marbut, Norman, Ochsner, Severson, Shaw, Mr. President.
Total 21

Noes: Berg, Blaylock, Christiaens, Conover, Fuller, Gage, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, McCallum, Mohar, Regan, Smith, Stimatz, Thomas, Towe, Van Valkenburg.
Total 20

Excused: Elliott, Halligan, Mazurek.
Total 3

Absent or not voting: Eck, Graham, D. Manning, Story, Turnage, Tveit. Total 6

Senator Van Valkenburg moved that HB 677 be taken from the Committee on Judiciary and that it be printed and placed on second reading. Motion withdrawn.

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 526, introduced by C. Smith, Jones, Brand, Lynch, Elliott, McCallum, Seifert, Harp. Referred to Committee on Finance and Claims.

HB 550, introduced by Yardley, (By Request of the Department of Revenue). Referred to Committee on Taxation.

HB 667, introduced by Switzer, Howe, Thoft, Ellerd, Sales, Fabrega, Bertelsen, Devlin, Bergene, Hanson, Iverson, Swift, Holliday, Stobie, Ryan, Ellison, Compton, Phillips, Manuel, Curtiss, Ramirez, Marks, Schultz, Keyser. Referred to Committee on Finance and Claims.

HB 890, introduced by Hand. Referred to Committee on Taxation.

HB 892, introduced by Nilson, (By Request of the Department of Fish, Wildlife, and Parks). Referred to Committee on Finance and Claims.

HB 907, introduced by Dozier. Referred to Committee on Finance and Claims.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 7:26 p.m., until Friday, March 25, 1983, at the hour of 10:00 a.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
March 25, 1983

Senate Chambers
State Capitol

Senate convened at 10:00 a.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except D. Manning, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the sixty-seventh legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SR 5, SJR 24.

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

March 24, 1983

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 72, 108, 117, 130, 200, 209, 430.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate bills concurred in and returned to the Senate: 3/23/83

SB 138, introduced by Mazurek

SB 251, introduced by Goodover, Lee

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 3/23/83

SB 309, introduced by Graham, Boylan

Senate bill indefinitely postponed and returned to the Senate: 3/24/83

SB 258, introduced by Thomas, Lee

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Norman in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 399 - That HB 399, without objection, be moved below HB 636.

HB 100 - That HB 100, without objection, be moved to the bottom of the board.

HB 733 - That HB 733, without objection, be moved to the bottom of the board.

HB 685 - That HB 685, without objection, be moved to the bottom of the board.

HB 700 - That HB 700, without objection, be moved to the bottom of the board.

HB 450 - That HB 450 be concurred in.

Substitute motion that HB 450 be not concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 40

Noes: Boylan, Daniels, Gage, Hammond, Keating, Lynch, R. Manning, Stimatz, Towe.
Total 9

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 495 - That HB 495 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 503 - That HB 503 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker,

Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 591 - That HB 591, third reading copy, be amended as follows:

1. Title, line 6.
Following: "~~OFFERED;~~"
Strike: "TO ALLOW A TEACHER WHO IS A SPECIALIST IN A POSITION REQUIRING PROFESSIONAL LICENSURE THE SAME OPPORTUNITY FOR TENURE THAT OTHER TEACHERS ARE OFFERED;"

2. Page 1, line 15.
Following: "certification"
Strike: "or professional licensure"

3. Page 1, line 16.
Following: "superintendent"
Insert: "or specialist"

Amendment passed as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Conover, Crippen, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Marbut, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 35

Noes: Berg, Eck, Haffey, Jacobson, R. Manning, Mazurek, Mohar, Norman, Regan.
Total 9

Excused: D. Manning.
Total 1

Absent or not voting: Christiaens, Daniels, Hager, Lynch, McCallum.
Total 5

That HB 591, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.

Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 633 - That HB 633 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 636 - That HB 636 be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Daniels, Eck, Elliott, Fuller, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Lane, Lynch, R. Manning, Mazurek, McCallum, Norman, Regan, Severson, Shaw, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 31

Noes: Aklestad, Boylan, Conover, Crippen, Dover, Etchart, Gage, Galt, Goodover, Hammond, Keating, Kolstad, Lee, Marbut, Mohar, Ochsner, Smith, Story.
Total 18

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 399 - That HB 399, third reading copy, be amended as follows:

1. Title, line 7.
Following: "7-8-2211"
Insert: "AND"
Following: "7-8-2220"
Strike: "7-8-2308, 7-22-2448, AND"

2. Title, line 8.
Strike: line 8 in its entirety

3. Title, line 9.
Strike: "7-8-2217"

4. Page 1.
Following: line 25

Insert: "(2) Whenever a county purchases equipment as provided in 7-5-2301 through 7-5-2308, county equipment which is not necessary to the conduct of the county business may be traded in as part of the purchase price after appraisal as provided in 7-8-2214 or may be sold at public auction as provided in 7-8-2212, in the discretion of the board.

(3) Any sale, trade, or exchange of real or personal property shall be accomplished under the provisions of Title 7, and in an exchange of real property the properties shall be appraised and no exchange of county property may be made unless property received in exchange therefor shall be of an equivalent value. In the event the properties are not of equivalent values, the exchange may be completed if a cash payment is made in addition to the delivery of title for property having the lesser value."

5. Page 2, line 1.
Strike: section 2 in its entirety
Renumber: subsequent sections

6. Page 2, line 16.
Strike: sections 4, 6, 7, and 8 in their entirety

7. Page 3, line 10.
Following: "amount"
Insert: "Not"
Following: "than"
Strike: "90%"
Insert: "70%"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

That HB 399, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.

Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 662 - That HB 662, third reading copy, be amended as follows:

1. Strike: Senate Standing Committee amendments 1 through 9, dated 3/22/83

2. Title, line 6.
Following: "MCA"
Insert: "AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

3. Title, line 6.
Following: "OPERATIONS;"
Strike: "AMENDING SECTION 85-7-1961, MCA"

4. Page 1, line 9.
Strike: section 1 in its entirety

5. Page 1.
Following: line 20
Insert: "NEW SECTION. Section 1. Authority to construct and operate hydro-electric generation facility. (1) An irrigation district or project that is organized under Title 85, chapter 7, or described in 85-7-110, may:

(a) construct, install, maintain, or operate a hydro-electric generation facility within the boundaries of the district; or

(b) construct, install, maintain, or operate a hydro-electric generation facility outside of the district's boundaries and within the county in which any portion of the district is located or within any other county if the district receives the approval of a majority of the board of county commissioners and enters into an interlocal agreement with the board of county commissioners concerning the construction, installation, maintenance, or operation of the hydro-electric facility. In addition, if a hydro-electric generation facility is to be constructed, installed, maintained, or operated outside of a district's boundaries but within the boundaries of another irrigation district, the irrigation district proposing to construct, install, maintain, or operate the hydro-electric generation facility outside its district boundaries must receive the approval of a majority of the board of commissioners of the affected district and enter into an interlocal agreement with the affected board of commissioners concerning the construction, installation, maintenance, or operation of the hydro-electric facility.

(2) Nothing in this section may be construed as authorizing an irrigation district to engage in the distribution of power from a hydro-electric generation facility.

NEW SECTION. Section 2. Effective date. This act is effective upon passage and approval."

Amendment failed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Crippen, Elliott, Fuller, Gage, Galt, Goodover, Haffey, Himsl, Jacobson, Kolstad, Lee, Lynch, Norman, Regan, Severson, Story, Turnage, Mr. President.
Total 23

Noes: Brown, Conover, Daniels, Dover, Eck, Etchart, Graham, Hager, Halligan, Hammond, Hazelbaker, Keating, Lane, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Shaw, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg.
Total 26

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

That HB 662 be concurred in. Motion carried as follows:

Ayes: Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Lane, R. Manning, Marbut, Mazurek, McCallum, Mohar, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Tveit, Van Valkenburg.
Total 31

Noes: Aklestad, Berg, Blaylock, Crippen, Fuller, Gage, Galt, Goodover, Jacobson, Kolstad, Lynch, Norman, Ochsner, Regan, Story, Turnage, Mr. President.
Total 17

Excused: D. Manning.
Total 1

Absent or not voting: Lee.
Total 1

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Norman moved the adoption of the committee report. Report adopted.

Senate recessed at 11:48 a.m.

Senate resumed at 2:08 p.m.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 105 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Mr. President.
Total 46

Noes: Boylan, Van Valkenburg.
Total 2

Excused: D. Manning.

Total 1

Absent or not voting: Thomas.
Total 1

HB 126 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: Thomas.
Total 1

HB 290 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: Thomas.
Total 1

HB 370 concurred in as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, McCallum, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 43

Noes: Berg, Halligan, Mazurek, Mohar, Norman, Van Valkenburg.
Total 6

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 376 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 45

Noes: Daniels, Mohar, Story, Van Valkenburg.
Total 4

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 390 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 424 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: Tveit.
Total 1

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 572 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith,

Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Shaw.
Total 1

Excused: D. Manning.
Total 1

Absent or not voting: Daniels.
Total 1

HB 592 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Daniels, Kolstad, Shaw.
Total 3

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 606 concurred in as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 36

Noes: Aklestad, Boylan, Gage, Hammond, Kolstad, Lane, Lee, Lynch, McCallum, Ochsner, Smith, Tveit, Mr. President.
Total 13

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 701 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Boylan, Kolstad, Lee.
Total 3

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 706 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Fuller, R. Manning, Norman, Towe.
Total 4

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 710 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 728 concurred in as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Severson, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 35

Noes: Aklestad, Boylan, Dover, Etchart, Galt, Hammond, Kolstad, Lane, Lee, Lynch, McCallum, Ochsner, Shaw, Smith.
Total 14

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 731 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 746 concurred in as follows:

Ayes: Brown, Conover, Crippen, Daniels, Elliott, Etchart, Fuller, Goodover, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 34

Noes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Dover, Eck, Gage, Galt, Graham, Hager, Jacobson, Regan, Story, Mr. President.
Total 15

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 770 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 786 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum,

Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 46

Noes: Dover, Goodover, Mr. President.
Total 3

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 789 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 792 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Towe.
Total 1

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 811 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 812 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Kolstad, Lee.
Total 2

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HJR 21 concurred in as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Blaylock.
Total 1

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HJR 22 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lane, Lee, Marbut, Mazurek, McCallum, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Mr. President.
Total 35

Noes: Christiaens, Daniels, Eck, Fuller, Halligan, Himsl, Jacobson, Lynch, R. Manning, Mohar, Norman, Regan, Towe, Van Valkenburg.
Total 14

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly enrolled: SB 7, SB 26, SB 173, SB 184, SB 204, SB 210, SB 221, SB 269, SB 278, SB 279, SB 294, SB 298, SB 319, SB 330, SB 336, SB 345, SB 382, SB 388, SB 404.
Examined by the sponsor (Aklestad) and found to be correct: SB 7.
Examined by the sponsor (Blaylock) and found to be correct: SB 388.
Examined by the sponsor (Crippen) and found to be correct: SB 173.
Examined by the sponsor (Conover) and found to be correct: SB 278.
Examined by the sponsor (Daniels) and found to be correct: SB 336.
Examined by the sponsor (Dover) and found to be correct: SB 210.
Examined by the sponsor (Galt) and found to be correct: SB 330.
Examined by the sponsor (Halligan) and found to be correct: SB 269.
Examined by the sponsor (Hazelbaker) and found to be correct: SB 294.
Examined by the sponsor (Keating) and found to be correct: SB 204.
Examined by the sponsor (Mazurek) and found to be correct: SB 26, SB 184.
Examined by the sponsor (Norman) and found to be correct: SB 221.
Examined by the sponsor (Ochsner) and found to be correct: SB 279.
Examined by the sponsor (Stephens) and found to be correct: SB 319, SB 345, SB 404.
Examined by the sponsor (Stimatz) and found to be correct: SB 382.
Examined by the sponsor (Towe) and found to be correct: SB 298.
Delivered to the Governor for his approval at 1:58 p.m., 3/25/83: SB 19, SB 56, SB 99, SB 157, SB 206, SB 207, SB 276, SB 277, SB 297, SB 300, SB 325, SB 358, SB 373, SB 387.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
HB 193, be concurred in. Report adopted.
HB 213, be concurred in. Report adopted.
HB 523, third reading copy, be amended as follows:

1. Page 2, line 18.
Following: "years."
Insert: "The terms of board members shall be staggered."

2. Page 10, line 17.
Following: line 16
Insert: "(7) Special agents employed by railroad companies, provided the railroad company notifies the board that such agents are operating in the State;"
Renumber: subsequent subsections

3. Page 13, line 22.
Following: "board."
Insert: "Those persons licensed on [the effective date of this act] shall retain their current licensure status and must renew their licenses on the renewal date as prescribed by the board."

4. Page 16, line 4.
Strike: "has been"
Insert: "is"
Following: "States"
Strike: remainder of line 4 through "license" on line 6

5. Page 17, line 20.
Strike: "may"
Insert: "shall"

And, as amended, be concurred in. Report adopted.

JUDICIARY (Turnage, Chairman):

HB 191, third reading copy, be amended as follows:

1. Page 3, line 4.
Strike: subsection (3) in its entirety
Renumber: subsequent subsection

2. Page 3, line 14.
Strike: "common"

And, as amended, be concurred in. Report adopted.

HB 362, third reading copy, be amended as follows:

1. Title, lines 6 and 7.
Strike: ", EXCEPT WHEN IT IS A DEFENDANT'S FIRST OFFENSE,"

2. Page 2, line 3.
Strike: ";"
Insert: "."

3. Page 2, lines 4 through 9.
Strike: "however" on line 4 through "THEN" on line 9
Insert: "However,"

And, as amended, be concurred in. Report adopted.

HB 540, third reading copy, be amended as follows:

1. Page 2, lines 19 through 25 and page 3, line 1.
Strike: page 2, lines 19 through 25 and page 3, line 1 in their entirety
Insert: "NEW SECTION. Section 2. Operation of motor vehicle with alcohol concentration of 0.10 or more. It is unlawful and punishable as provided in 61-8-714 for any person to drive or be in actual physical control of a motor vehicle upon the ways of the state open to the public while the alcohol concentration in his blood, breath, or urine is 0.10 or more."

2. Page 3, lines 2 through 14.
Strike: lines 2 through 14 in their entirety
Insert: "Section 3. Section 61-8-401, MCA, is amended to read:

"61-8-401. Persons under the influence of alcohol or drugs. (1) It is unlawful and punishable as provided in 61-8-714(1) for any person who is under the influence of:

(a) alcohol to drive to be in actual physical control of a motor vehicle upon the ~~highways of this state~~ ways of the state open to the public;

(b) a narcotic drug to drive or be in actual physical control of a motor vehicle within this state; ~~or~~

(c) any other drug to a degree which renders him incapable of safely driving a motor vehicle to drive or be in actual physical control of a motor vehicle within this state; or"

3. Page 3, line 15.

Strike: "(c)"
Insert: "(d)"

4. Page 3, line 16.
Following: "vehicle"
Insert: "to drive or be in actual physical control of a motor vehicle within this state"

5. Page 3, line 17.
Strike: "(3)"
Insert: "(2)"

6. Page 3, line 18.
Strike: "or (2)"

7. Page 3, line 21.
Strike: "or (2)"

8. Page 3, line 22.
Strike: "(4)"
Insert: "(3)"

9. Page 4, line 24.
Strike: "(5)"
Insert: "(4)"
Following: "subsection"
Strike: "(4)"
Insert: "(3)"

10. Page 5, lines 6 through 12.
Strike: subsections 6 and 7 in their entirety
Renumber: subsequent subsection

11. Page 5, line 15.
Strike: "(6)"
Insert: "(4)"

12. Page 5, line 16.
Strike: "subsections" and "and (2)"
Insert: "subsection" before "(1)"

13. Page 5.
Following: line 19
Insert: "NEW SECTION. Section 4. Definition of alcohol concentration. For purposes of [sections 2 and 3], "alcohol concentration" means either grams of alcohol per 100 milliliters of blood, grams of alcohol per 210 liters of breath, or grams of alcohol per 75.3 milliliters of urine."
Renumber: subsequent sections

14. Page 8, lines 12 through 14.
Following: "person" on line 12
Strike: "while driving or in actual physical control of a motor vehicle while under the influence of alcohol,"
Insert: "in violation of [section 2 or 3 of this act]."

And, as amended, be concurred in. Report adopted.

HB 628, third reading copy, be amended as follows:

1. Title, lines 5 through 13.
Strike: lines 5 through 13 in their entirety
Insert: "INVOLUNTARILY DETAINED OR EXAMINED, OR SUBJECT TO AN ORDER FOR SHORT-TERM TREATMENT

OR LONG-TERM CARE AND TREATMENT UNDER TITLE 53, CHAPTER 21, MCA, MUST BE GIVEN NOTICE IN WRITING OF HIS RIGHT TO APPEAL; PROVIDING FOR APPEALS TO BE FILED WITHIN 90 DAYS OF SERVICE OF NOTICE; AMENDING SECTIONS 53-21-114 AND 53-21-131, MCA."

2. Pages 1 through 4.
Strike: all of the bill following the enacting clause
Insert: "Section 1. Section 53-21-114, MCA, is amended to read:

"53-21-114. Notice of rights to be given. (1) Whenever a person is involuntarily detained or is examined pursuant to 53-21-121 through 53-21-126, the person shall, within 3 days of such detention or examination, be informed in writing by the county attorney of his constitutional rights and his rights under this part.

(2) Every respondent subject to an order for short-term treatment or long-term care and treatment shall be advised in writing of his right to appeal the order by the court at the conclusion of any hearing the result of which such an order may be entered."

Section 2. Section 53-21-131, MCA, is amended to read:

"53-21-131. Appeal procedure. Appellate review of any order of short-term evaluation and treatment or long-term commitment may be had by appeal to the supreme court of Montana in the manner as other civil cases, except that the appeal may be taken at any time within 90 days of the actual service of the written notice of the right to appeal required by 53-21-114 or within 90 days after discharge, whichever is later. The patient shall not be released pending appeal unless ordered by the court. The appeal shall have priority above all other matters before the supreme court.""

And, as amended, be concurred in. Report adopted.

HB 677, third reading copy, be amended as follows:

1. Page 1, line 17 through page 2, line 2.
Strike: section 1 in its entirety
Insert: "Section 1. Section 23-5-412, MCA, is amended to read:

"23-5-412. Bingo prizes. Except as provided in [section 2], bingo ~~Bingo~~ prizes must be in tangible personal property only and not in money, cash, stocks, bonds, evidences of indebtedness, or other intangible personal property and must not exceed the value of $100 for each individual bingo award. The price for an individual bingo card shall not exceed 50 cents. It shall be unlawful to, in any manner, combine any awards so as to increase the ultimate value of such award."

NEW SECTION. Section 2. Cash bingo prizes allowed — conditions. The provisions of 23-5-412 prohibiting the payment of bingo prizes in cash or money do not apply if cash or money is awarded as a bingo prize exclusively under the following conditions:

(1) The prize may not exceed $100 for each individual bingo award. It shall be unlawful to, in any manner, combine any awards so as to increase the ultimate amount of such prize.

(2) The player of the game may not in any manner operate any device for the selection of the numbers of symbols determining the award of a prize. The player may participate only by recording manually on a card the numbers or symbols used to determine the winner of the game. Such card must be composed of tangible personal

property separate from any device used by another to select the numbers or symbols determining the winner, and such card shall have printed thereon the letters "BINGO".

(3) No game of bingo, or any variation thereof by whatever name it may be called, may be conducted or operated under this section:

(i) directly or indirectly in, from, or upon any premises licensed under Title 16, chapter 4, and no person holding a license issued under that title and chapter may receive or in any way participate in the proceeds of the game;

(ii) in any manner by the use of an electronic or mechanical device on which the game is commenced, played, or concluded by the direct or indirect insertion of a coin, token, or other object in the device, or in any manner by the payment of a consideration for the commencement, play, or conclusion of the game other than a consideration paid for the use or purchase of the card required by subsection (2); and

(iii) by any individual, person, corporation, partnership, association or other entity except an organization granted exemption from federal taxation under section 501(c)(3) of the Internal Revenue Code.

(2) The provisions of subsection (1) do not apply to the game commonly known as "Keno".

NEW SECTION. Section 3. Codification instruction. Section 2 is intended to be codified as an integral part of Title 23, chapter 5, part 4, and the provisions of Title 23, chapter 5, part 4, apply to section 2."

And, as amended, be concurred in. Report adopted.

HB 714, third reading copy, be amended as follows:

1. Page 9, lines 7 and 8.
Following: "request of"
Strike: "the complainant"
Insert: "either party"

2. Page 9, line 11.
Following: "[section 9]"
Strike: remainder of lines 11 through 17 in their entirety
Insert: "and has determined that it will be unable to hold a contested case hearing within 12 months of the date the complaint was filed under [section 5]; and

(b) 180 days have elapsed since the complaint was filed and the efforts of the commission staff to settle the complaint after informal investigation pursuant to [section 8] are unsuccessful."

3. Page 9, line 19.
Following: "subsection (1),"
Strike: "a"
Insert: "the"
Following: "complainant"
Strike: "may"
Insert: "shall"

4. Page 9, line 21.
Following: "appropriate relief."

Insert: "If the claimant fails to petition the district court within 90 days after receipt of a letter issued by the commission, the complaint shall be barred."

And, as amended, be concurred in. Report adopted.

HB 856, third reading copy, be amended as follows:

1. Page 9, line 11.
Strike: "41-3-404"
Insert: "41-3-406"

And, as amended, be concurred in. Report adopted.

HB 880, third reading copy, be amended as follows:

1. Page 9.
Following: line 17
Insert: "Section 12. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."
Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

HB 565, third reading copy, be amended as follows:

1. Title, line 6.
Following: "RECORDER"
Insert: "AND THE ADDITION OF A STATEMENT BY THE CLERK TO DOCUMENTS CONSIDERED NOT LEGIBLE"

2. Page 1, lines 12 and 13.
Strike: "executed after January 1, 1984, and"

3. Page 1, lines 15 through 19.
Strike: "the printed" on line 15 through "county clerk" on line 19
Insert: "and accompanied by the required fee, he"

4. Page 1.
Following: line 23
Insert: "(2) If the printed, written, or typed words or numbers are considered by the clerk and recorder to be illegible and not legibly reproducible, the clerk and recorder must affix to the recorded document a statement that the document is illegible and not legibly reproducible."
Renumber: subsequent subsections

And, as amended, be concurred in. Report adopted.

MOTIONS

Senator Mazurek moved that the Senate reconsider its action in adopting the adverse committee report on HB 809 and that it be printed and placed on second reading. Motion failed as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Dover, Eck, Fuller, Haffey, Halligan, Himsl, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 23

Noes: Aklestad, Brown, Crippen, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lee, Marbut,

McCallum, Ochsner, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 26

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

Senator R. Manning moved that the Senate reconsider its action in adopting the adverse committee report on HB 708 and that it be printed and placed on second reading. Motion failed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Keating, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 23

Noes: Aklestad, Boylan, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, McCallum, Mohar, Ochsner, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 24

Excused: D. Manning.
Total 1

Absent or not voting: Brown, Kolstad.
Total 2

Senator Van Valkenburg moved that HB 232 be taken from the Committee on Local Government and that it be printed and placed on second reading. Motion carried as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Fuller, Goodover, Graham, Haffey, Hager, Halligan, Jacobson, Keating, Lane, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 28

Noes: Aklestad, Boylan, Dover, Etchart, Gage, Galt, Hammond, Hazelbaker, Kolstad, Lee, Lynch, Ochsner, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 18

Excused: D. Manning.
Total 1

Absent or not voting: Himsl, McCallum, Severson.
Total 3

Senator Marbut moved that the Senate transmit to the House a request to return HB 171. Motion ruled out of order and withdrawn.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Norman in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 663 - That HB 663 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 684 - That HB 684 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 702 - That HB 702 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 705 - That HB 705 be concurred in. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover,

Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Berg.
Total 1

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 715 - That HB 715 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 720 - That HB 720, third reading copy, be amended as follows:

1. Title, line 11.
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 8.
Following: line 18
Insert: "Section 9. Effective date. This act is effective on passage and approval."

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

That HB 720, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 750 - That HB 750 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 772 - That HB 772 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 788 - That HB 788 be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Eck, Fuller, Graham, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Keating, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 28

Noes: Aklestad, Boylan, Daniels, Elliott, Etchart, Gage, Galt, Goodover, Hammond, Himsl, Ochsner, Severson, Shaw, Smith, Story, Tveit, Mr. President.
Total 17

Excused: D. Manning.
Total 1

Absent or not voting: Dover, Kolstad, McCallum, Turnage.
Total 4

HB 798 - That HB 798, third reading copy, be amended as follows:

1. Title, line 8.
Following: "COMMISSIONERS;"
Insert: "AUTHORIZING A WORKFARE REQUIREMENT FOR STATE AND COUNTY GENERAL RELIEF RECIPIENTS; ESTABLISHING A WAGE OPTION FOR WORKFARE RECIPIENTS;"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

That HB 798, third reading copy, be further amended as follows:

1. Page 19, line 19.
Following: "at"
Strike: "the minimum wage or may pay a recipient at"

Amendment failed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lynch, R. Manning, Mazurek, McCallum, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 22

Noes: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee,

Marbut, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 25

Excused: D. Manning.
Total 1

Absent or not voting: Boylan, Lane.
Total 2

That HB 798, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

That HB 100, HB 685, HB 700, and HB 733, without objection, be moved above HB 818, and that HB 871 be moved below HB 818.

HB 814 - That HB 814 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 886 - That HB 886 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SJR 24 - That SJR 24 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 281 - That HB 281 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Regan.
Total 1

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 283 - That HB 283, without objection, be moved below HB 309.

HB 284 - That HB 284, third reading copy, be amended as follows:

1. Page 3, line 7.
Strike: subsection 4 in its entirety
Insert: "(4) "Non-medical Social Therapy" means the use of guidance and communication techniques within the counseling relationship to achieve a better social adaptation to the individual group or family circumstance with respect to behavior and emotions."

Amendment failed as follows:

Ayes: Aklestad, Brown, Daniels, Elliott, Goodover, Hager, Hammond, Himsl, Lynch, Marbut, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Story, Turnage, Van Valkenburg, Mr. President.

Total 20

Noes: Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Dover, Eck, Etchart, Fuller, Galt, Graham, Halligan, Jacobson, Keating, Kolstad, Lane, Lee, R. Manning, Mazurek, Mohar, Regan, Stimatz, Thomas, Towe.
Total 25

Excused: D. Manning.
Total 1

Absent or not voting: Gage, Haffey, Hazelbaker, Tveit.
Total 4

That HB 284, third reading copy, be amended as follows:

1. Page 3, line 18.
Strike: "individual"

2. Page 4, line 2.
Strike: "psychosocial"
Insert: "social"

3. Page 4, line 10.
Strike: lines 10 and 11
Renumber: subsequent subsections

4. Page 7, line 10.
Strike: "council on social work education"
Insert: "American Psychological Association"

5. Page 7, line 13.
Following: "accumulated"
Insert: "documented"

6. Page 7, line 14.
Strike: "PSYCHOTHERAPY"
Insert: "social therapy"

7. Page 11, line 18.
Strike: section 12 in its entirety
Renumber: subsequent sections

That the amendment be divided, without objection, and amendment 7 be segregated from amendments 1 through 6.

Amendments 1 through 6 failed as follows:

Ayes: Aklestad, Brown, Daniels, Elliott, Etchart, Galt, Goodover, Graham, Haffey, Hager, Hammond, Himsl, Lynch, Marbut, McCallum, Norman, Ochsner, Severson, Shaw, Stimatz, Story, Turnage, Van Valkenburg, Mr. President.
Total 24

Noes: Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Dover, Eck, Fuller, Gage, Halligan, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, R. Manning, Mazurek, Mohar, Regan, Smith, Thomas, Towe, Tveit.
Total 25

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

That HB 284, third reading copy, be amended as follows:

1. Page 11, line 18.
Strike: section 12 in its entirety
Renumber: subsequent sections

Amendment failed as follows:

Ayes: Aklestad, Brown, Daniels, Elliott, Galt, Goodover, Hager, Hammond, Himsl, Lynch, Marbut, Norman, Ochsner, Severson, Shaw, Stimatz, Story, Turnage, Mr. President.
Total 19

Noes: Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Dover, Eck, Etchart, Fuller, Gage, Haffey, Halligan, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, R. Manning, Mazurek, McCallum, Mohar, Regan, Thomas, Towe, Tveit, Van Valkenburg.
Total 28

Excused: D. Manning.
Total 1

Absent or not voting: Graham, Smith.
Total 2

That HB 284 be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Fuller, Graham, Halligan, Jacobson, Keating, Kolstad, Lane, Lee, R. Manning, Mazurek, McCallum, Mohar, Regan, Thomas, Towe, Van Valkenburg.
Total 25

Noes: Aklestad, Brown, Elliott, Etchart, Gage, Galt, Goodover, Haffey, Hager, Hammond, Hazelbaker, Himsl, Lynch, Marbut, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Mr. President.
Total 24

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 309 - That HB 309 be concurred in. Motion failed as follows:

Ayes: Aklestad, Blaylock, Crippen, Dover, Eck, Elliott, Galt, Goodover, Graham, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, Regan, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 24

Noes: Berg, Boylan, Brown, Christiaens, Conover, Daniels, Etchart, Fuller, Gage, Haffey, Hager, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Stimatz, Thomas, Towe, Van Valkenburg.
Total 25

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

That HB 309 be indefinitely postponed. Motion failed as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Conover, Daniels, Etchart, Fuller, Gage, Haffey, Hager, Halligan, Jacobson, Lynch, R. Manning, Mazurek, Mohar, Norman, Stimatz, Thomas, Towe, Van Valkenburg.

Total 22

Noes: Blaylock, Christiaens, Crippen, Dover, Eck, Elliott, Galt, Goodover, Graham, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Marbut, McCallum, Ochsner, Regan, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 27

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 283 - That HB 283, third reading copy, be amended as follows:

1. Page 4, line 2.
Following: "(i)"
Strike: remainder of line 2 through "or" on line 4

Amendment passed as follows:

Ayes: Aklestad, Boylan, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 29

Noes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Jacobson, R. Manning, Mazurek, Mohar, Norman, Regan, Thomas, Towe, Van Valkenburg.
Total 17

Excused: D. Manning.
Total 1

Absent or not voting: Halligan, Lynch, Stimatz.
Total 3

That HB 283, third reading copy, be further amended as follows:

1. Strike: all Senate Standing Committee amendments in their entirety

Amendment passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Graham, Haffey, Hager, Halligan, Jacobson, Lane, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 27

Noes: Aklestad, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 22

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

That consideration on HB 283 be passed. Motion failed as follows:

Ayes: Aklestad, Boylan, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hammond, Himsl, Keating, Kolstad, Lee, McCallum, Ochsner, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 22

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Lane, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Severson, Stimatz, Thomas, Towe, Van Valkenburg.
Total 27

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

That HB 283, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Etchart, Fuller, Galt, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 39

Noes: Crippen, Elliott, Gage, Goodover, Hammond, Keating, Severson, Shaw, Story, Tveit.
Total 10

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 705 - That HB 705 be segregated from the Committee of the Whole report. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Norman moved the adoption of the committee report, as amended. Report adopted.

Senate recessed at 6:22 p.m.

Senate resumed at 6:36 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):

Signed by the President at 2:00 p.m., 3/25/83: SB 7, SB 26, SB 173, SB 184, SB 204, SB 210, SB 221, SB 269, SB 278, SB 279, SB 294, SB 298, SB 319, SB 330, SB 336, SB 345, SB 382, SB 388, SB 404, HB 136, HB 179, HB 185, HB 342, HB 533, HB 547, HB 554, HB 560, HB 638, HB 639, HB 674, HB 688, HB 712, HB 741.

STATE ADMINISTRATION (Story, Chairman):

HB 493, third reading copy, be amended as follows:

1. Page 1, lines 17 and 20.
Strike: "48"
Insert: "45"

2. Page 2, line 14.
Strike: "48"
Insert: "45"

3. Page 5, line 12.
Strike: "48"
Insert: "45"

4. Page 5, line 20.
Strike: "private"

5. Page 6, lines 4, 8, 13, 15, and 16.
Strike: "48"
Insert: "45"

6. Page 7, lines 2, 8, 9, 13, and 15.
Strike: "48"
Insert: "45"

7. Page 7, line 19.
Following: "state;"
Insert: "and"

8. Page 7, line 21.
Following: "state"
Strike: remainder of line 21 through "services" on line 24

9. Page 9, lines 7 through 18.
Strike: subsections (a), (b), and (c) in their entirety
Renumber: subsequent subsections

10. Page 10, line 6.
Strike: "and"
Following: line 6
Insert: "(b) failure to respond to a number of solicitations over a period of time as determined by the department in accordance with rules, and after adequate written notice to the affected person of the intent to remove or suspend; and"
Renumber: subsequent subsections

11. Page 10, line 16.
Following: "(1)"
Strike: remainder of lines 16 and 17 in their entirety

Insert: "If"

12. Page 10, line 19.
Following: "law"
Insert: ", the department may apply the remedies provided in subsections (2) and (3)"

13. Page 11.
Following: line 17
Insert: "(4) In the event the matter is reviewed by a court, the court may apply the same remedies provided in subsections (2) and (3)."

14. Page 12, line 5.
Strike: "30"
Insert: "27"

15. Page 12, line 10.
Strike: "48"
Insert: "45"

16. Page 14, line 12.
Following: "bids."
Insert: "Each bidder has the right to be present, either in person or by agent, when the bids are opened and has the right to examine and inspect all bids."

17. Page 14, line 20.
Strike: "48"
Insert: "45"

18. Page 20.
Following: line 25
Insert: "required to be"

19. Page 21, line 4.
Following: "credit"
Insert: "not to exceed $100,000"

20. Page 21, line 14.
Following: "amount"
Insert: "and type"

21. Page 21, line 15.
Strike: "set in an amount considered"
Insert: "determined"

22. Page 21.
Following: line 18
Insert: "In determining the amount and type of security required for each contract, the department shall consider the nature of the performance and the need for future protection to the state. The department may adopt rules to assist it in making this determination and in protecting the state in dealing with irrevocable letters of credit."

23. Page 21, line 23.
Strike: "48"
Insert: "45"

24. Page 22.
Following: line 23
Strike: sections 25 through 27 in their entirety

Renumber: subsequent sections

25. Page 24, line 12.
Strike: "31"
Insert: "28"
Strike: "34"
Insert: "31"

26. Page 26, line 16.
Following: "adopt"
Strike: remainder of line 16 through "to" on line 17

27. Page 27, line 17.
Strike: "37"
Insert: "34"
Strike: "39"
Insert: "36"

28. Page 28, line 16.
Strike: "40"
Insert: "37"
Strike: "46"
Insert: "43"

29. Page 29, line 15.
Strike: "but is not limited to"

30. Page 29, line 23.
Following: "29"
Strike: remainder of line 23 through "39" on line 24
Insert: "27"

31. Page 30, line 3.
Strike: "30" through "39"
Insert: "27"

32. Page 30, line 12.
Strike: "director"
Insert: "department"

33. Page 31, lines 6, 15, and 21.
Strike: "director"
Insert: "department"

34. Page 31, line 24.
Following: "units."
Strike: remainder of line 24 through "units." on page 32, line 1

35. Page 32, line 1.
Strike: "director"
Insert: "department"

36. Page 32, lines 8, 12, 16, 20, 21, and 25.
Strike: "48"
Insert: "45"

37. Page 32, line 19.
Strike: "40"
Insert: "37"
Strike: "46"
Insert: "43"

38. Page 32, line 25.

Strike: "the"

39. Page 33, line 1.
Strike: "of public works"
Insert: "contracts"

40. Page 33, line 5.
Strike: "48"
Insert: "45"

41. Page 33.
Following: line 6
Strike: section 49 in its entirety
Insert: "Section 46. State printing, binding, and stationery work — resident preference. All printing, binding, and stationery work for the state of Montana, except the Montana Code Annotated and certificates of appointment and election to office, must be printed in the state of Montana by a responsible bidder if his bid does not exceed the lowest bid by a nonresident printer by more than the percentage in 18-1-102."

42. Page 34, line 16.
Strike: "48"
Insert: "45"

43. Page 35, line 5.
Strike: "48"
Insert: "45"

44. Page 36, lines 10, 13, 16, and 25.
Strike: "48"
Insert: "45"

45. Page 36, lines 10, 14, 17, and 25.
Strike: "49"
Insert: "46"

46. Page 39, lines 23 and 25.
Strike: "48"
Insert: "45"

47. Page 39, line 25.
Strike: "49"
Insert: "46"

48. Page 40, line 3.
Strike: "49"
Insert: "46"

49. Page 40, lines 15 and 17.
Strike: "47"
Insert: "44"

And, as amended, be concurred in. Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman):

HB 576, as amended, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Graham, Hager, Hammond, Jacobson, Keating, Lynch, R. Manning, McCallum, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Mr. President.

Total 32

Noes: Berg, Goodover, Haffey, Halligan, Hazelbaker, Himsl, Kolstad, Lane, Lee, Mazurek, Mohar, Norman, Regan, Towe, Van Valkenburg.
Total 15

Excused: D. Manning.
Total 1

Absent or not voting: Crippen, Marbut.
Total 2

LABOR AND EMPLOYMENT RELATIONS (Aklestad, Chairman):
Minority Report

Minority committee members are:

Senator Blaylock
Senator Lynch
Senator Manning

HB 850, be concurred in. Thereupon, the minority committee report failed to be adopted as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 21

Noes: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 27

Excused: D. Manning.
Total 1

Absent or not voting: Daniels.
Total 1

Majority Report

Majority committee members are:

Senator Keating
Senator Galt
Senator Goodover
Senator Gage
Senator Aklestad

HB 850, be not concurred in. Thereupon, the majority committee report was adopted as follows:

Ayes: Aklestad, Boylan, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 28

Noes: Berg, Blaylock, Christiaens, Conover, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 20

Excused: D. Manning.
Total 1

Absent or not voting: Daniels.
Total 1

STATE ADMINISTRATION (Story, Chairman):
Minority Report

Minority committee members are:

Senator R. Manning
Senator Stimatz
Senator Towe

HB 356, third reading copy, be amended as follows:

1. Title, line 6.
Strike: "MONETARY"

2. Page 1, line 12.
Following: "senate"
Insert: "in 1984"

3. Page 1, line 13.
Strike: "$1,000"
Insert: "$2,500"
Strike: "MONETARY"

4. Page 1, line 15.
Following: "representatives"
Insert: "in 1984"

5. Page 1, line 16.
Strike: "$600"
Insert: "$1,500"
Strike: "MONETARY"

6. Page 1, line 18.
Following: "campaign."
Insert: "The foregoing limitations shall be multiplied by the inflation factor as defined in 15-30-101(8) for the year in which general elections are held after 1984. The commissioner of political practices shall publish the revised limitations as a rule."

7. Page 1, line 18.
Strike: "MAY NOT"
Insert: "shall"

8. Page 1, line 19.
Following: "TOTALS."
Insert: "Donated services shall be valued at the standard prevailing rate of wages, including fringe benefits for health and welfare and pension contributions and travel allowance provisions applicable to the county or locality in which the work is being performed, as that term is defined in 18-2-401 and determined in 18-2-402."

And, as amended, be concurred in. Thereupon, the minority committee report failed to be adopted as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Thomas, Towe, Van Valkenburg.
Total 20

Noes: Aklestad, Brown, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 25

Excused: D. Manning.
Total 1

Absent or not voting: Boylan, Crippen, Lee, Stimatz.
Total 4

Majority Report

Majority committee members are:

Senator Hammond
Senator Tveit
Senator Story
Senator Lee

HB 356, as amended, be not concurred in. Thereupon, the majority committee report was adopted as follows:

Ayes: Aklestad, Brown, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 25

Noes: Berg, Blaylock, Christiaens, Conover, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Thomas, Towe, Van Valkenburg.
Total 19

Excused: D. Manning.
Total 1

Absent or not voting: Boylan, Crippen, Graham, Lee, Stimatz.
Total 5

Minority Report

Minority committee members are:

Senator Marbut
Senator Stimatz
Senator Towe

HB 386, third reading copy, be amended as follows:

1. Page 1, line 14.
Strike: "best"
Insert: "in some portion fairly"

And, as amended, be concurred in. Thereupon, the minority committee report failed to be adopted as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Eck, Fuller, Haffey, Hager, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe.
Total 21

Noes: Aklestad, Boylan, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hammond, Hazelbaker, Himsl, Keating, Kolstad,

Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 27

Excused: D. Manning.
Total 1

Absent or not voting: Lee.
Total 1

Majority Report

Majority committee members are:

Senator Hammond
Senator Tveit
Senator R. Manning
Senator Lee
Senator Story

HB 386, as amended, be not concurred in. Thereupon, the majority committee report was adopted as follows:

Ayes: Aklestad, Boylan, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Marbut, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 27

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Eck, Fuller, Haffey, Hager, Halligan, Jacobson, Lane, Lee, Lynch, R. Manning, Mazurek, Mohar, Regan, Stimatz, Thomas, Towe.
Total 21

Excused: D. Manning.
Total 1

Absent or not voting: Graham.
Total 1

Minority Report

Minority committee members are:

Senator R. Manning
Senator Stimatz
Senator Towe

HB 387, third reading copy, be amended as follows:

1. Page 2, line 2.
Strike: "$500"
Insert: "$1,500"
Strike: "any"
Following: "year"
Insert: "1984, and the same amount multiplied by the inflation factor as defined in 15-30-101(8) in any subsequent calendar year"

And, as amended, be concurred in. Thereupon, the minority committee report failed to be adopted as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lane, Lee, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.

Total 24

Noes: Aklestad, Boylan, Brown, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 25

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

Majority Report

Majority committee members are:

Senator Hammond
Senator Marbut
Senator Tveit
Senator Lee
Senator Story

HB 387, as amended, be not concurred in. Thereupon, the majority committee report was adopted as follows:

Ayes: Aklestad, Boylan, Brown, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 26

Noes: Berg, Blaylock, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lee, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 23

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

LABOR AND EMPLOYMENT RELATIONS (Aklestad, Chairman):
HB 406, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Regan.
Total 1

Excused: D. Manning.
Total 1

Absent or not voting: Himsl.

Total 1

HB 174, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Boylan, Brown, Conover, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 27

Noes: Berg, Blaylock, Christiaens, Crippen, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe.
Total 20

Excused: D. Manning.
Total 1

Absent or not voting: Hammond, Van Valkenburg.
Total 2

LOCAL GOVERNMENT (McCallum, Chairman):
HB 115, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Eck, Fuller.
Total 2

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 7:42 p.m., until Saturday, March 26, 1983, at the hour of 10:00 a.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SIXTY-NINTH LEGISLATIVE DAY

Helena, Montana
March 26, 1983

Senate Chambers
State Capitol

Senate convened at 10:00 a.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Hager, D. Manning, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the sixty-eighth legislative day, find the same to be correct.

Tveit, Chairman

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Kolstad in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 100 - That HB 100, third reading copy, be amended as follows:

1. Strike: amendment 7

Amendment failed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 22

Noes: Aklestad, Boylan, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 25

Excused: Hager, D. Manning.
Total 2

Absent or not voting: McCallum.
Total 1

That HB 100, third reading copy, be amended as follows:

1. Page 4, line 8.
Strike: section 6 in its entirety
Insert: "NEW SECTION. Section 6. Investment preferences. (1) The provisions of Article II, section 4, of the Montana Constitution prohibiting discrimination shall be strictly applied with relation to any investment made under [this act].

(2) The board shall give preference to the business investments that:

(a) are for locally owned enterprises that are either expanding existing operations or establishing new operations; and

(b) provide jobs that will be substantially filled by current Montana residents.

(3) Preference shall be given to small and medium-sized businesses as defined in rules adopted by the board."

Amendment passed as follows:

Ayes: Aklestad, Boylan, Brown, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 25

Noes: Berg, Blaylock, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 22

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Thomas.
Total 1

That HB 100, third reading copy, be further amended as follows:

1. Strike: amendments 1 and 2

Amendment passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Fuller, Galt, Goodover, Graham, Haffey, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 36

Noes: Aklestad, Dover, Etchart, Gage, Hammond, Kolstad, Lee, McCallum, Smith, Tveit.
Total 10

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Halligan, Story.
Total 2

That HB 100, third reading copy, be further amended as follows:

1. Following: subsection 3
Insert: "(4) The board shall give preference to the business investments that maintain and improve a clean and healthful environment."

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Conover, Daniels, Lee.
Total 3

That HB 100, third reading copy, be further amended as follows:

1. Following: "(2)"
Insert: "In deciding which of several investments of equal or comparable security and return are to be made,"
Strike: "The"
Insert: "the"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Etchart, Hammond.
Total 2

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

That HB 100, third reading copy, be further amended as follows:

1. Page 8, line 15.
Strike: sections 17 and 18 in their entirety
Renumber: subsequent sections

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Daniels, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Christiaens, Crippen, Fuller, R. Manning, Mohar, Towe.
Total 6

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

That HB 100, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey,

Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 40

Noes: Blaylock, Boylan, Gage, Lee, Ochsner, Shaw, Smith, Tveit.
Total 8

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HB 685 - That HB 685, third reading copy, be amended as follows:

1. Page 13, line 6.
Strike: section 11 in its entirety
Renumber: subsequent sections

Amendment failed as follows:

Ayes: Aklestad, Brown, Dover, Elliott, Gage, Galt, Goodover, Hammond, Hazelbaker, Keating, Kolstad, Lane, Lee, Marbut, McCallum, Norman, Ochsner, Severson, Smith, Story, Tveit, Mr. President.
Total 22

Noes: Berg, Blaylock, Christiaens, Conover, Crippen, Daniels, Eck, Etchart, Fuller, Graham, Haffey, Halligan, Himsl, Jacobson, Lynch, R. Manning, Mazurek, Mohar, Regan, Shaw, Stimatz, Thomas, Towe, Turnage, Van Valkenburg.
Total 25

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Boylan.
Total 1

That HB 685 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 42

Noes: Boylan, Elliott, Keating, Smith.
Total 4

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Lee, Tveit.
Total 2

HB 700 - That HB 700 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lynch,

R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 40

Noes: Boylan, Gage, Keating, Lee, Smith, Tveit.
Total 6

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Blaylock, McCallum.
Total 2

HB 733 - That HB 733 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Towe, Turnage, Mr. President.
Total 41

Noes: Boylan, Gage, Smith, Tveit, Van Valkenburg.
Total 5

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Lee, Thomas.
Total 2

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Kolstad moved the adoption of the committee report. Report adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Senate recessed at 11:49 a.m.

Senate resumed at 1:59 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Christiaens moved that the rules be temporarily suspended so that the journal correctly reflects that committee amendments came out with HB 284. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Eck, Lynch.
Total 2

Senator Blaylock moved that the Senate reconsider its action in adopting the adverse committee report on HB 174 and that it be printed and placed on second reading. Motion failed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 22

Noes: Aklestad, Boylan, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 27

Paired: Blaylock, Aye; Hager, No.

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

Senator Regan moved that the Senate reconsider its action in adopting the adverse committee report on HB 576, as amended, and that it be printed and placed on second reading. Motion carried as follows:

Ayes: Berg, Blaylock, Brown, Conover, Crippen, Daniels, Eck, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Stimatz, Thomas, Towe, Turnage, Van Valkenburg.
Total 33

Noes: Aklestad, Boylan, Christiaens, Dover, Elliott, Gage, Hager, Hammond, Lee, Lynch, Ochsner, Shaw, Smith, Story, Tveit, Mr. President.
Total 16

Paired: Regan, Aye; Hager, No.

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

Senator Story moved that the Senate reconsider its action in adopting the adverse committee report on HB 356 as amended and that it be printed and placed on second reading this day. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 46

Noes: Boylan, Tveit.
Total 2

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Kolstad in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 818 - That HB 818, without objection, be moved below HB 871.

HB 871 - That HB 871 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 44

Noes: Boylan, Gage, Shaw, Tveit.
Total 4

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HB 818 - That HB 818 be concurred in. Motion failed as follows:

Ayes: Berg, Christiaens, Crippen, Daniels, Eck, Fuller, Halligan, R. Manning, Mazurek, Mohar, Stimatz, Thomas, Towe.
Total 13

Noes: Aklestad, Blaylock, Boylan, Brown, Conover, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, Marbut, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 34

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Lee.
Total 1

That HB 818 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Daniels, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, Marbut,

McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 37

Noes: Christiaens, Crippen, Fuller, Halligan, R. Manning, Mazurek, Mohar, Stimatz, Thomas, Towe.
Total 10

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Lee.
Total 1

HB 705 - That HB 705, third reading copy, be amended as follows:

1. Title, lines 5 and 6.
Strike: "REDEFINING FINAL SALARY FOR FUTURE MEMBERS OF THE JUDGES' RETIREMENT SYSTEM"

2. Title, line 12.
Strike: "19-5-101,"

3. Page 1, line 16.
Strike: section 1 in its entirety
Renumber: subsequent sections

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

That HB 705, as amended, be concurred in. Motion carried as follows:

Ayes: Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 33

Noes: Aklestad, Berg, Boylan, Dover, Hammond, Himsl, Ochsner, Severson, Shaw, Smith, Tveit.
Total 11

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Lee, Norman, Regan, Story.

Total 4

HB 232 - That HB 232, third reading copy, be amended as follows:

1. Title, line 11.
Strike: "10-2-301,"

2. Title, line 12.
Strike: "49-4-302,"

3. Page 2, line 10.
Strike: section 2 in its entirety
Renumber: subsequent sections

4. Page 3, line 9.
Following: "Special license plate"
Strike: "and"
Insert: "or"

5. Page 3, line 11.
Following: "special license plate"
Strike: "and"
Insert: "or"

6. Page 3, line 15.
Following: "61-3-301,"
Strike: "and"
Insert: "or"

7. Page 3, line 25.
Following: "special license plate"
Strike: "and"
Insert: "or"

8. Page 4, line 9.
Strike: sections 5, 6, and 7 in their entirety
Renumber: subsequent section

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

That HB 232, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Graham, Haffey, Hazelbaker,

Keating, Kolstad, Lane, R. Manning, Marbut, Mazurek, McCallum, Ochsner, Regan, Story, Thomas, Towe, Van Valkenburg.
Total 29

Noes: Christiaens, Dover, Galt, Goodover, Halligan, Hammond, Himsl, Jacobson, Lynch, Mohar, Severson, Shaw, Stimatz.
Total 13

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Lee, Norman, Smith, Turnage, Tveit, Mr. President.
Total 6

HB 309 - That HB 309 be concurred in.

Substitute motion that HB 309 be not concurred in. Motion failed as follows:

Ayes: Berg, Boylan, Christiaens, Conover, Daniels, Etchart, Fuller, Gage, Haffey, Halligan, Hammond, Hazelbaker, Jacobson, Lane, Lee, Lynch, R. Manning, Mohar, Norman, Stimatz, Van Valkenburg.
Total 21

Noes: Aklestad, Blaylock, Crippen, Dover, Eck, Elliott, Galt, Goodover, Graham, Himsl, Keating, Kolstad, Marbut, Mazurek, McCallum, Ochsner, Regan, Severson, Shaw, Story, Towe, Mr. President.
Total 22

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Brown, Smith, Thomas, Turnage, Tveit.
Total 5

That HB 309 be concurred in. Motion carried as follows:

Ayes: Aklestad, Blaylock, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Galt, Goodover, Graham, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Marbut, Mazurek, McCallum, Mohar, Regan, Severson, Shaw, Smith, Story, Towe, Turnage, Tveit, Mr. President.
Total 31

Noes: Berg, Boylan, Christiaens, Etchart, Fuller, Gage, Haffey, Halligan, Hammond, Jacobson, Lynch, R. Manning, Norman, Ochsner, Stimatz, Thomas, Van Valkenburg.
Total 17

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HB 357 - That HB 357 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 48

Noes: None.
Total 0

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HB 445 - That HB 445 be concurred in.

Substitute motion that HB 445 be indefinitely postponed. Motion carried as follows:

Ayes: Berg, Boylan, Brown, Conover, Daniels, Elliott, Fuller, Galt, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lynch, R. Manning, McCallum, Severson, Shaw, Smith, Stimatz, Thomas, Tveit.
Total 24

Noes: Aklestad, Christiaens, Crippen, Dover, Eck, Etchart, Gage, Goodover, Graham, Haffey, Jacobson, Lee, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Towe, Van Valkenburg, Mr. President.
Total 21

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Blaylock, Story, Turnage.
Total 3

HB 521 - That HB 521, without objection, be moved below HB 595.

HB 534 - That HB 534 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HB 836 - That HB 836 be concurred in. Motion carried as follows:

Ayes: Brown, Christiaens, Conover, Crippen, Elliott, Etchart, Fuller, Gage, Galt, Haffey, Jacobson, Keating, Lane, R. Manning, Mohar, Ochsner, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 24

Noes: Aklestad, Berg, Blaylock, Boylan, Dover, Eck, Goodover, Graham, Halligan, Hammond, Hazelbaker, Himsl, Kolstad, Lynch, Marbut, Mazurek, McCallum, Norman, Regan, Severson, Story, Mr. President.
Total 22

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Daniels, Lee.
Total 2

HB 545 - That HB 545, third reading copy, be amended as follows:

1. Title, lines 4 and 5.
Strike: "CREATING" on line 4 through "FUND" on line 5
Insert: "TO ALLOW THE MONTANA WHEAT RESEARCH AND MARKETING COMMITTEE TO AUTHORIZE THE DEPARTMENT OF AGRICULTURE TO ENTER INTO INSURANCE CONTRACTS"

2. Title, lines 8 and 9.
Strike: "PROVIDING" on line 8 through "PENALTIES;" on line 9
Insert: "AMENDING SECTIONS 80-11-201 and 80-11-205, MCA;"

3. Title, line 10.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

4. Pages 1 through 6.
Strike: all of the bill following the enacting clause
Insert: "Section 1. Section 80-11-201, MCA, is amended to read:

"80-11-201. Definitions. As used in this part, unless the context requires otherwise, the following definitions apply:

(1) "Commercial channels" means the sale of wheat or barley for any use when sold to any commercial buyer, dealer, processor, cooperative, or to any person, public or private, who resells any wheat or barley or product produced from wheat or barley.

(2) "Committee" means the Montana wheat research and marketing committee provided for in 2-15-3002.

(3) "First purchaser" means any person, public or private corporation, association, or partnership buying, accepting for shipment, or otherwise acquiring the property in or to wheat or barley from a grower and shall include a mortgagee, pledgee, lienor, or other person, public or private, having a claim against the grower, where the actual or constructive possession of such wheat or barley is taken as part payment or in satisfaction of such mortgage, pledge, lien, or claim.

(4) "Grain" means wheat or barley.

(5) "Grain dealer" means any person, association, dealer, partnership, or corporation or its agent or representative who is licensed by the state or federal government and engaged in the business of buying, receiving, selling, exchanging, warehousing, or negotiating for the sale of grain. The term also includes anyone who solicits the sale, resale, exchange, or transfer of any grain purchased from a grower; receives grain on consignment from a grower; or receives grain to be handled on a net return basis from the grower.

~~(4)~~(6) "Grower" means any landowner personally engaged in growing wheat or barley, a tenant of the landowner personally engaged in growing wheat or barley, or both the owner and the tenant

jointly; and includes a person, partnership, association, corporation, cooperative, trust, sharecropper, and any and all other business units, devices, and arrangements.

(7) "Loss" means any monetary loss to a grower resulting from the delivery of grain to a grain dealer due to an extraordinary cause, including but not limited to bankruptcy, embezzlement, theft, or fraudulent disposition by the grain dealer.

~~(5)~~(8) "Sale" includes any pledge or mortgage of wheat or barley after harvest to any person, public or private.

(9) "Warehousing" means any method by which grain owned by another is held for him by one who is not the direct owner of the grain. The term does not include transportation of grain for another."

Section 2. Section 80-11-205, MCA, is amended to read:

"80-11-205. Powers of the committee. (1) The committee may:

(a) adopt rules necessary for the administration of this part;

(b) provide, through the department, for the enforcement of this part;

(c) provide for the conduct of research into the production, marketing, and uses of wheat and barley;

(d) enter into contracts or agreements with Montana state university and other local, state, or national organizations, public or private, for the purposes of improving wheat or barley quality, increasing the efficiency of production, developing marketing knowledge, developing markets, determining new uses for wheat or barley, developing alternative crops for wheat or barley, and carrying out all research and marketing contemplated by this part. The committee may not establish research units or agencies of its own.

(e) authorize the department to enter into insurance contracts and pay premiums therefor from the wheat research and marketing account for the purpose of providing insurance coverage to growers who, after the contract has been entered into, suffer a loss as defined in [section 1].

(2) No researchers or professional or scientific personnel may be employed to carry out this part except as provided in subsection (1)(d) of this section.

(3) None of the powers or duties provided for in this part permit participation in state or federal political action by the committee."

NEW SECTION. Section 3. Insurance contracts — administration — purpose. The department shall administer the purchase of insurance contracts authorized under 80-11-205(1)(e). The insurance contracts shall be purchased for the benefit of growers who have delivered grain to grain dealers. It is the goal of the legislature that the insurance contracts, within available resources, compensate growers for up to 80% of losses to their grain while it is in the control of a grain dealer.

NEW SECTION. Section 4. Codification instruction. Section 3 is intended to be codified as an integral part of Title 80, chapter 11,

part 2, and the provisions of Title 80, chapter 11, part 2, apply to section 3.

NEW SECTION. Section 5. Effective date. This act is effective on passage and approval.

NEW SECTION. Section 6. Termination date. This act terminates July 1, 1985."

5. Strike: statement of intent

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

That HB 545, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HB 595 - That HB 595 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.

Total 0

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HB 521 - That HB 521 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HB 608 - That HB 608 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HB 609 - That HB 609 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HB 377 - That HB 377, third reading copy, be amended as follows:

1. Page 2, line 21.
Following: "crustacean,"
Insert: "mourning dove,"

Amendment failed as follows:

Ayes: Boylan, Dover, Graham, Hammond, Himsl, Lee, Lynch, Marbut, McCallum, Regan, Story.
Total 11

Noes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Halligan, Hazelbaker, Jacobson, Lane, R. Manning, Mazurek, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 34

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Daniels, Keating, Kolstad.
Total 3

That HB 377, third reading copy, be amended as follows:

1. Title, line 9.
Strike: "THE PRESERVATION AND MANAGEMENT OF"
Following: "WILDLIFE"
Insert: "PROGRAMS"

2. Title, line 10.
Following: "MONTANA;"
Insert: "TO PROVIDE FOR CERTAIN RESTRICTIONS ON THE USE OF SUCH FUNDS;"

3. Page 3, line 20.
Following: "for"
Strike: remainder of line 20 through "Montana" on line 22
Insert: ":

(a) research and education programs on nongame wildlife in Montana, as provided for in 87-5-104; and

(b) any management programs for nongame wildlife approved by the legislature under 87-5-105 as species or subspecies in need of management"

4. Page 3, line 22.
Following: "Montana."
Insert: "(4)"

5. Page 3, line 24.
Following: "<u>USED</u>"
Insert: ":

(a)"

6. Page 3, line 25.
Following: "<u>PROPERTY</u>"

Strike: "."
Insert: "; or

(b) in such a way as to interfere with the production on or management of private property.

(5)"

7. Page 4, line 3.
Strike: "management"
Insert: "programs"

8. Page 4, line 5.
Strike: "management"
Insert: "programs"

9. Page 4, line 7.
Strike: "management"
Insert: "programs"

10. Page 4, line 10.
Strike: "of management"
Following: "wildlife"
Insert: "programs"

11. Page 4, line 16.
Strike: "management"
Insert: "programs"

12. Page 4, line 21.
Strike: "the management of"
Following: "wildlife"
Insert: "programs"

13. Senate Standing Committee amendment 5, dated 3/24/83.
Strike: "management"
Insert: "programs"

14. Statement of Intent, Senate Standing Committee report, dated 3/24/83.
Strike: "management" in paragraph 1, line 4
Insert: "program"
Following: "approval process." in paragraph 2, line 3
Insert: "In addition, it is intended that the Commission would provide for adequate consultation with the Department of Agriculture prior to and during the review and approval process for nongame wildlife program projects."

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hager, D. Manning.

Total 2

Absent or not voting: None.
Total 0

That HB 377, third reading copy, be further amended as follows:

1. Page 4, line 6.
Strike: section 3 in its entirety
Insert: "NEW SECTION. Section 3. Business reply envelope provided for contributions. The department of revenue shall insert in the income tax packages of individual returns and corporation returns, a business reply envelope provided by the Department of Fish, Wildlife and Parks, for the use by contributors for the purpose of making contributions to the nongame wildlife account."

Amendment failed as follows:

Ayes: Brown, Elliott, Goodover, Himsl, Lee, Shaw, Tveit.
Total 7

Noes: Aklestad, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Graham, Haffey, Halligan, Hammond, Hazelbaker, Jacobson, Lane, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 37

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Berg, Keating, Kolstad, McCallum.
Total 4

That HB 377, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HB 625 - That HB 625 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 44

Noes: Dover, Elliott, Etchart, Smith.
Total 4

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HB 689 - That HB 689 be concurred in. Motion failed as follows:

Ayes: Dover, Eck, Elliott, Keating, Marbut, Story, Towe.
Total 7

Noes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Crippen, Daniels, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 38

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Brown, Conover, Thomas.
Total 3

That HB 689 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, R. Manning, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 38

Noes: Dover, Eck, Lee, Marbut, Mohar, Story, Towe.
Total 7

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Conover, Graham, Thomas.
Total 3

HB 698 - That HB 698 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.

Total 0

HB 718 - That HB 718 be concurred in. Motion carried as follows:

Ayes: Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Etchart, Fuller, Gage, Graham, Haffey, Halligan, Hazelbaker, Himsl, Kolstad, Lane, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Stimatz, Thomas, Towe, Van Valkenburg.
Total 29

Noes: Aklestad, Boylan, Dover, Elliott, Galt, Goodover, Hammond, Keating, Shaw, Story, Tveit.
Total 11

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Berg, Jacobson, Lee, Lynch, Regan, Smith, Turnage, Mr. President.
Total 8

HB 732 - That HB 732 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HB 749 - That HB 749 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HB 826 - That HB 826 be concurred in. Motion carried as follows:

Ayes: Aklestad, Boylan, Brown, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hammond, Hazelbaker, Himsl, Jacobson,

Keating, Kolstad, Lane, Lynch, Marbut, Mazurek, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage.
Total 32

Noes: Berg, Blaylock, Christiaens, Eck, Fuller, Mohar, Regan, Towe, Van Valkenburg.
Total 9

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Conover, Haffey, Halligan, Lee, R. Manning, Tveit, Mr. President.
Total 7

HB 846 - That HB 846 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HB 853 - That HB 853 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HB 872 - That HB 872 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 48

Noes: None.
Total 0

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HJR 30 - That HJR 30 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HB 191 - That HB 191 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HB 193 - That HB 193 be concurred in. Motion failed as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Eck, Fuller, Haffey, Halligan, Jacobson, Kolstad, Lee, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 22

Noes: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hammond, Hazelbaker, Himsl, Keating, Marbut, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 23

Excused: Hager, D. Manning.

Total 2

Absent or not voting: Daniels, Lane, McCallum.
Total 3

That HB 193 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hammond, Hazelbaker, Himsl, Marbut, Mohar, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 23

Noes: Berg, Blaylock, Boylan, Christiaens, Conover, Eck, Fuller, Haffey, Halligan, Jacobson, Kolstad, Lee, Lynch, R. Manning, Mazurek, McCallum, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 22

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Daniels, Keating, Lane.
Total 3

HB 213 - That HB 213 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Graham, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, R. Manning, Marbut, Mohar, Norman, Ochsner, Regan, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 39

Noes: Elliott, Hammond, Lee, Mazurek, McCallum, Shaw, Smith.
Total 7

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Goodover, Severson.
Total 2

HB 362 - That HB 362 be concurred in. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Gage, Galt, Goodover, Graham, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Smith, Story, Turnage, Mr. President.
Total 31

Noes: Berg, Daniels, Etchart, Fuller, Haffey, Halligan, Jacobson, Lane, Norman, Severson, Shaw, Stimatz, Thomas, Towe, Tveit, Van Valkenburg.
Total 16

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Lee.
Total 1

HB 493 - That HB 493 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl,

Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HB 523 - That HB 523 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Elliott, Mazurek, Smith, Story.
Total 4

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HB 540 - That HB 540, third reading copy, be amended as follows:

1. Page 2, line 4.
Strike: "alcohol or"
Strike: "shall"

2. Page 2, lines 5 and 6.
Strike: "UPON THE WAYS OF THE STATE OPEN TO THE PUBLIC."
Insert: "anywhere within this state;

(c) the provisions of 61-8-301 and 61-8-401, with regard to operating a vehicle while under the influence of alcohol, apply upon all ways of this state open to the public."

3. Page 3, line 16.
Following: "vehicle"
Insert: "by a person"

4. Page 6.
Following: line 16
Insert: "THERE IS A NEW MCA SECTION THAT READS:

Section 4. Multiple convictions prohibited. When the same acts may establish the commission of an offense under both [section 2] and 61-8-401, a person charged with such conduct may be prosecuted for a violation of both [section 2] and 61-8-401. However, he may only be convicted of an offense under either [section 2] or 61-8-401."
Renumber: subsequent sections

5. Page 6, line 19.
Strike: "sections 2"
Insert: "section 2]"
Strike: "3]"
Insert: "61-8-401"

6. Page 9, line 17.
Following: "SECTION 2"
Insert: "]"
Strike: "3 OF THIS ACT]"
Insert: "61-8-401"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

That HB 540, as amended, be concurred in. Motion failed as follows:

Ayes: Brown, Christiaens, Crippen, Dover, Eck, Elliott, Fuller, Gage, Halligan, Hammond, Himsl, Jacobson, Kolstad, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Story, Thomas, Towe, Mr. President.
Total 23

Noes: Aklestad, Berg, Blaylock, Boylan, Conover, Daniels, Etchart, Galt, Goodover, Graham, Haffey, Hazelbaker, Keating, Lane, Lynch, R. Manning, McCallum, Severson, Shaw, Smith, Stimatz, Turnage, Tveit, Van Valkenburg.
Total 24

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Lee.
Total 1

That HB 540 be indefinitely postponed. Motion failed as follows:

Ayes: Aklestad, Blaylock, Boylan, Conover, Daniels, Etchart, Galt, Goodover, Graham, Haffey, Hazelbaker, Keating, Lynch, McCallum, Norman, Severson, Shaw, Smith, Stimatz, Turnage, Tveit, Van Valkenburg.
Total 22

Noes: Berg, Brown, Christiaens, Crippen, Dover, Eck, Elliott, Fuller, Gage, Halligan, Hammond, Himsl, Jacobson, Kolstad, Lane, R. Manning, Marbut, Mazurek, Mohar, Ochsner, Regan, Story, Thomas, Towe, Mr. President.

Total 25

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Lee.
Total 1

HB 565 - That HB 565 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HB 628 - That HB 628, without objection, be moved below HB 856.

HB 677 - That HB 677, third reading copy, be amended as follows:

1. Page 1.
Strike: section 1 in its entirety
Insert: "Section 1. Section 23-5-412, MCA, is amended to read:

"23-5-412. Bingo prizes. Bingo prizes ~~must be in~~ may be paid in either tangible personal property ~~only and not in money,~~ or cash, ~~stocks, bonds, evidences of indebtedness, or other intangible personal property and must~~ but may not exceed the value of $100 for each individual bingo award. The price for an individual bingo card ~~shall~~ may not exceed 50 cents. It shall be unlawful to, in any manner, combine any awards so as to increase the ultimate value of such award. IT SHALL BE UNLAWFUL TO PAY CASH PRIZES DIRECTLY FROM ANY BINGO DEVICE.""

2. Page 1.
Strike: section 2 in its entirety

3. Page 1.
Strike: section 3 in its entirety

Amendment failed as follows:

Ayes: Berg, Boylan, Christiaens, Daniels, Etchart, Fuller, Goodover, Haffey, Halligan, Hammond, Himsl, Jacobson, Lane, Lee, Lynch, R. Manning, Mazurek, Norman, Severson, Stimatz, Thomas, Tveit, Van Valkenburg.
Total 23

Noes: Aklestad, Blaylock, Brown, Conover, Crippen, Dover, Eck, Elliott, Gage, Galt, Hazelbaker, Keating, Kolstad, Marbut, McCallum, Mohar, Ochsner, Regan, Shaw, Story, Towe, Turnage, Mr. President.
Total 23

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Graham, Smith.
Total 2

That HB 677, third reading copy, be amended as follows:

1. Section 2(b), lines 7 and 8.
Strike: ", and such card shall have printed thereon the letters "BINGO""

2. Section 2(c), line 2.
Strike: ":"

3. Section 2(c)(i).
Strike: subsection (i) in its entirety
Renumber: subsequent subsections

4. Section 2(c)(ii), line 6.
Strike: "; and"
Insert: "."

5. Section 2(c)(iii).
Strike: subsection (iii) in its entirety

6. Section 2(2).
Strike: subsection (2) in its entirety

Amendment passed as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Elliott, Etchart, Fuller, Haffey, Halligan, Himsl, Jacobson, Lane, Lee, Lynch, R. Manning, Mazurek, Mohar, Norman, Ochsner, Severson, Stimatz, Thomas, Towe, Tveit, Van Valkenburg.
Total 27

Noes: Aklestad, Brown, Crippen, Dover, Eck, Gage, Galt, Goodover, Hammond, Hazelbaker, Keating, Kolstad, Marbut, McCallum, Regan, Shaw, Smith, Story, Turnage, Mr. President.
Total 20

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Graham.
Total 1

That HB 677, as amended, be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Etchart, Fuller, Haffey, Halligan, Himsl, Jacobson, Lane, Lynch, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Stimatz, Thomas, Towe, Tveit, Van Valkenburg.
Total 27

Noes: Aklestad, Brown, Crippen, Dover, Eck, Elliott, Gage, Galt, Goodover, Hammond, Hazelbaker, Keating, Kolstad, Lee, Marbut, Shaw, Smith, Story, Turnage, Mr. President.
Total 20

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Graham.
Total 1

HB 714 - That HB 714 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Crippen.
Total 1

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HB 856 - That HB 856, without objection, be moved below HB 628.

HB 628 - That HB 628, third reading copy, be amended as follows:

1. Section 1.
Strike: subsection (1)
Insert: "(1) Whenever a person is involuntarily detained or is examined pursuant to 53-21-121 through 53-21-126, the person shall at the time of detention or examination be informed of his constitutional rights and his rights under this part. Within 3 days of such detention or examination he must also be informed in writing by the county attorney of such rights."

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

That HB 628, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw,

Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HB 856 - That HB 856 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HB 880 - That HB 880, third reading copy, be amended as follows:

1. Page 3, line 5.
Strike: "OFFICIALS"
Insert: "other persons"
Strike: "(3)"
Insert: "(4)"

2. Page 3, line 11.
Following: "to"
Insert: ": (a)"

3. Page 3, line 14.
Following: "AFFILIATE"
Strike: "AND"
Insert: "; (b)"

4. Page 3, line 16.
Following: "occurred"
Strike: "."
Insert: "; and

(c) except as provided in subsection (3), to the chief administrative officer of the facility, but without the identity of the employee or employees who caused the report to be filed to be revealed to that officer."

5. Page 3, line 22.
Strike: "welfare department"
Insert: "county attorney"

6. Page 3, line 24.
Following: line 24
Insert: "(3) If the report required in subsection (1) involves an act or omission of the chief administrative officer at the facility which may be construed as abuse, exploitation, or neglect, a copy of that report may not be sent to that officer but must be sent instead to the department or its local affiliate and the county attorney of the county in which the facility is located."
Renumber: subsequent subsections

7. Page 4, line 1.
Strike: "OFFICIALS"
Insert: "other persons"

8. Page 7, line 18.
Strike: "(4)"
Insert: "(3)"

9. Page 7, line 22.
Strike: "must"
Insert: "may"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

That HB 880, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Hager, D. Manning.
Total 2

Absent or not voting: None.
Total 0

That the committee rise and beg leave to sit again.

Senator Mazurek requested permission of the body to revert to second reading on HB 540.

HB 625 - That HB 625 be segregated from the Committee of the Whole report. Motion failed as follows:

Ayes: Etchart, Himsl, Kolstad, Lee, McCallum, Ochsner, Severson, Smith, Stimatz, Thomas.
Total 10

Noes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Fuller, Gage, Goodover, Haffey, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Lane, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Shaw, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 35

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Elliott, Galt, Graham.
Total 3

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Kolstad moved the adoption of the committee report. Report adopted.

At the request of Senator Turnage, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Turnage moved that the joint rules be temporarily suspended in order to allow the Senate to consider on second and third readings on the 70th legislative day, HB 576, as amended, HB 356, and HB 540. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 45

Noes: Shaw.
Total 1

Excused: Hager, D. Manning.
Total 2

Absent or not voting: Graham, Mr. President.
Total 2

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate bill not concurred in and returned to the Senate: 3/24/83

SB 283, introduced by Fuller

Senate bills concurred in and returned to the Senate: 3/25/83

SB 68, introduced by Gage, Towe, et al.

SB 150, introduced by Story

SB 194, introduced by Aklestad, Roush

SB 244, introduced by Towe

SB 281, introduced by Eck, Hager, et al.

SB 295, introduced by Marbut, Turnage

SB 342, introduced by Gage, Tveit, Roush

SB 413, introduced by Gage

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 3/25/83

SB 95, introduced by McCallum, et al.

SB 107, introduced by Blaylock, et al.

SB 159, introduced by Keating, et al.

SB 186, introduced by Elliott

SB 237, introduced by Halligan, et al.

SB 260, introduced by Halligan

SB 313, introduced by Halligan, et al.

SB 363, introduced by Mazurek

Senate bills not concurred in and returned to the Senate: 3/25/83

SB 182, introduced by H. Hammond, Galt

SB 327, introduced by Keating, et al.

SB 390, introduced by Boylan, et al.

Senate bill not concurred in as amended and returned to the Senate: 3/25/83

SB 273, introduced by Dover

House bills passed and transmitted to the Senate for concurrence: 3/25/83

HB 285, introduced by Quilici, Lory

HB 600, introduced by McBride, et al.

HB 740, introduced by Neuman

HB 901, introduced by Donaldson

House bills passed as amended and transmitted to the Senate for concurrence: 3/25/83

HB 103, introduced by Winslow

HB 510, introduced by Jones, et al.

HB 739, introduced by Keenan, et al.

HB 858, introduced by Hand, et al.

HB 902, introduced by Bardanouve

HJR 33, introduced by Ramirez, et al.

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 103, introduced by Winslow, Roush, Elliott, (By Request of the Coal Tax Oversight Subcommittee). Referred to Committee on Legislative Administration.

HB 285, introduced by Quilici, Lory, (By Request of the Department of Justice). Referred to Committee on Finance and Claims.

HB 510, introduced by Jones, C. Smith, Lory, Eudaily, Underdal, Curtiss, Elliott, Bergene, Lynch, Galt, Jacobson, Dover, Asay, Ellison, Kitselman, Donaldson, Wallin, Devlin, Ryan, Harp, Vinger, Fagg, Solberg, Ellerd, Stobie, Thoft, Iverson, Winslow, Keyser, Switzer, Compton, Ramirez, Schultz, Brand, Marks, Seifert, Swift, Phillips, Eck, Bertelsen, Nordtvedt, Hager, Miller, Gage, Menahan, Jacobsen, Bliss, Blaylock, Ernst, Hanson, Turnage, Severson, Hazelbaker, B. Brown, Berg, Marbut, Quilici, Pavlovich, Driscoll, O'Connell, Bachini, Peck, Holliday, J. Jensen, Saunders, Nisbet, Metcalf, Hart, McBride, J. Brown, Connelly, Lybeck. Referred to Committee on Finance and Claims.

HB 600, introduced by McBride, Harrington, Menahan, Kadas, Hansen, J. Hammond, Pistoria, Keenan, Roush, Spaeth, Addy, Dozier, Daily, Pavlovich, Manuel, Harper, Kennerly, Williams, D. Brown, Vincent, Nisbet, Darko, Jacobson, Eck, Haffey, Conover, Daniels, Blaylock, Fuller, Stimatz, Regan, Lynch, Yardley, Mazurek, Norman, Van Valkenburg, (By Request of the Governor's Office). Referred to Committee on Finance and Claims.

HB 739, introduced by Keenan, Vincent, Harrington, Daily, Quilici, Menahan, Darko, Ream, Kemmis, Schye, Zabrocki, Nisbet, Nilson, Bengtson, Spaeth, Saunders, Neuman, Williams. Referred to Committee on Taxation.

HB 740, introduced by Neuman. Referred to Committee on Taxation.

HB 858, introduced by Hand, Pavlovich, Daily, Zabrocki, Vinger, Devlin, Harp, Miller. Referred to Committee on Taxation.

HB 901, introduced by Donaldson, (By Request of the Department of Administration). Referred to Committee on Finance and Claims.

HB 902, introduced by Bardanouve, (By Request of the Department of Administration). Referred to Committee on Finance and Claims.

HJR 33, introduced by Ramirez, Kemmis, Marks, Vincent. Referred to Committee on Taxation.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):

Correctly engrossed: SJR 24.

Correctly enrolled: SB 2, SB 125, SB 137, SB 174, SB 208, SB 246, SB 248, SB 250, SB 264, SB 265, SB 267, SB 305, SB 314, SB 324, SB 340, SB 403, SB 422, SB 432, SB 445, SB 447, SB 453.

Examined by the sponsor (Aklestad) and found to be correct: SB 2.

Examined by the sponsor (Blaylock) and found to be correct: SB 125.

Examined by the sponsor (Brown) and found to be correct: SB 246, SB 445.

Examined by the sponsor (Etchart) and found to be correct: SB 267.

Examined by the sponsor (Fuller) and found to be correct: SB 453.

Examined by the sponsor (Galt) and found to be correct: SB 340.

Examined by the sponsor (Goodover) and found to be correct: SB 250.

Examined by the sponsor (Graham) and found to be correct: SB 264, SB 265.
Examined by the sponsor (Halligan) and found to be correct: SB 422.
Examined by the sponsor (Himsl) and found to be correct: SB 137, SB 174.
Examined by the sponsor (Jacobson) and found to be correct: SB 208.
Examined by the sponsor (R. Manning) and found to be correct: SB 305.
Examined by the sponsor (Norman) and found to be correct: SB 403, SB 447.
Examined by the sponsor (Smith) and found to be correct: SB 432.
Examined by the sponsor (Stimatz) and found to be correct: SB 314.
Examined by the sponsor (Towe) and found to be correct: SB 248, SB 324.
Signed by the President at 4:00 p.m., 3/26/83: SB 2, SB 125, SB 137, SB 174, SB 208, SB 246, SB 248, SB 250, SB 264, SB 265, SB 267, SB 305, SB 314, SB 324, SB 340, SB 403, SB 422, SB 432, SB 445, SB 447, SB 453, HB 196, HB 425, HB 480, HB 519, HB 542, HB 617, HB 629, HB 807, HB 857.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 7:49 p.m., until Monday, March 28, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTIETH LEGISLATIVE DAY

Helena, Montana
March 28, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Daniels, D. Manning, Norman, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the sixty-ninth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Delivered to the Governor for his approval at 8:45 a.m., 3/28/83: SB 7, SB 26, SB 173, SB 184, SB 185, SB 204, SB 210, SB 221, SB 269, SB 278, SB 279, SB 293, SB 294, SB 298, SB 319, SB 330, SB 336, SB 345, SB 354, SB 382, SB 388, SB 392, SB 404, SB 425, SB 435.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully report as follows:

That the following attaches of the Senate be employed as of 8:00 a.m. on Monday, March 28, 1983:

Julie Anderson ..... Page
Julie Austin ..... Page
Amy Chvilicek ..... Page
Gretchen Hager ..... Page
Eric Jacobson ..... Page
Nina Knox ..... Page
Jeff McNally ..... Page
Mike Solum ..... Page
Jaime Zinc ..... Page

And that the following attaches of the Senate be terminated as of 5:00 p.m. on Saturday, March 26, 1983:

Karyn Adamson ..... Page
David Bornhoft ..... Page
Shannon Carey ..... Page
Brenda Jo Graham ..... Page
Michael Lauffer ..... Page
Kevin MacQuarrie ..... Page
Andrew Mangels ..... Page
Karen Waymire ..... Page
David Wolstein ..... Page

Report adopted.

TAXATION (Goodover, Chairman):
HB 58, third reading copy, be amended as follows:

1. Title, line 6.
Following: "SECTIONS"
Strike: "7-34-2133,"

2. Page 1, line 22.
Following: "INFIRMARIES."
Insert: "The combined total number of mills levied under this section and for the county poor fund, under 53-2-321, may not exceed 18 mills."

3. Page 1, line 23.
Following: "7-6-2537."
Insert: "If a hospital district is created under Title 7, chapter 34, part 21, the mill levy authorized by this section may not be imposed on property within that hospital district."

4. Page 1, line 24 through page 2, line 9.
Strike: section 2 in its entirety
Renumber: subsequent sections

5. Page 2, line 12.
Following: "3"
Strike: "10"
Insert: "3"

And, as amended, be concurred in. Report adopted.

HB 570, third reading copy, be amended as follows:

1. Title, line 7.
Following: line 6
Strike: "SECTION"
Insert: "SECTIONS 15-6-136,"
Following: "15-6-138"
Insert: "AND 15-6-202"

2. Page 1, line 13.
Following: "~~class~~"
Strike: "EXCEPT AS PROVIDED IN SUBSECTION (2),"

3. Page 2, line 4.
Following: "included"
Insert: "and taxed"

4. Page 2, lines 8 through 10.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

5. Page 2.
Following: line 12
Insert: "Section 2. Section 15-6-136, MCA, is amended to read:

"15-6-136. Class six property — description — taxable percentage. (1) Class six property includes:

(a) livestock and poultry and the unprocessed products of both;

(b) all unprocessed agricultural products on the farm or in storage except all perishable fruits and vegetables in farm storage and owned by the producer.

(c) items of personal property intended for lease in the ordinary course of business provided each item of personal property satisfies all of the following:

(i) the full and true value of the personal property is less than $5,000;

(ii) the personal property is owned by a business whose primary business income is from rental or lease of personal property to individuals wherein no one customer of the business accounts for more than 10% of the total rentals or leases during a calendar year; and

(iii) the lease of the personal property is generally on an hourly, daily, or weekly basis.

(2) Class six property is taxed at 4% of its market value."

Section 3. Section 15-6-202, MCA, is amended to read:

"15-6-202. Freeport merchandise and business inventories exemption. (1) Freeport merchandise and business inventories are exempt from taxation.

(2) Freeport merchandise means those stocks of merchandise manufactured or produced outside this state which are in transit through this state and consigned to a warehouse or other storage facility, public or private, within this state for storage in transit prior to shipment to a final destination outside the state and which have acquired a taxable situs within the state.

(3) Stocks of merchandise do not lose their status as freeport merchandise because while in the storage facility they are assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled, or repackaged.

(4) Any person or other group seeking to qualify its property for inclusion in the freeport merchandise class shall make application to the department of revenue in such manner or form as may be required by the department.

(5) "Business inventories" ~~includes~~ include goods primarily intended for sale ~~or~~ and not for lease in the ordinary course of business and raw materials and work in progress with respect to such goods. Business inventories do not include goods leased or rented or mobile homes held by a dealer or distributor as part of his stock in trade."

Section 4. Effective date. This act is effective on passage and approval."

And, as amended, be concurred in. Report adopted.

HB 742, third reading copy, be amended as follows:

1. Title, line 6.
Following: "PROPERTY"
Strike: "OR ACCORDING TO A COMBINED AREA-FRONTAGE METHOD"
Insert: "; PROVIDING THAT PROTEST BE WEIGHTED ACCORDING TO THE AMOUNT TO BE ASSESSED AGAINST THE PROPERTY; REQUIRING THE CITY OR TOWN TO PAY 25 PERCENT OF THE COST OF THE LIGHTING SYSTEM ON ARTERIAL STREETS"

2. Title, line 7.
Following: "SECTIONS"
Insert: "7-12-4301, 7-12-4305, AND"
Following: "7-12-4323"
Strike: "AND"

3. Title, line 8.

Strike: "7-12-4324"

4. Page 2, line 16 through page 3, line 11.
Following: line 15
Strike: section 2 in its entirety
Insert: "Section 2. Section 7-12-4301, MCA, is amended to read:

"7-12-4301. Special improvement districts for lighting streets authorized. (1) The council of any city or town is authorized to:

(a) create special improvement districts embracing any street or streets or public highway therein or portions thereof and property adjacent thereto or property which may be declared by said council to be benefited by the improvement to be made for the purpose of lighting such street or streets or public highway;

(b) require that all or any portion of the cost of installing and maintaining such lighting system be paid by the owners of the property embraced within the boundaries of such districts, except that the city or town must pay at least 25% of the cost of installing and maintaining such lighting system located on arterial streets; and

(c) assess and collect such portion of such cost by special assessment against said property.

(2) The governing body may create special lighting districts on any street or streets or public highway for the purpose of lighting them and assess the costs for installation and maintenance to property abutting thereto and collect the costs by special assessment against the property."

Section 3. Section 7-12-4305, MCA, is amended to read:

"7-12-4305. Consideration of protest. (1) At the next regular meeting of the city council after the expiration of the time within which said protests may be made, the city council shall proceed to hear and pass upon all protests so made, and its decision shall be final and conclusive. When the protest is against the proposed work and the cost thereof is to be assessed upon property embraced within the boundaries of the district and if the city council finds that such protest is made by the owners of a majority of the property embraced within the district to be assessed for the proposed work, no further proceedings shall be taken for a period of 6 months from the date when said protest was received by the city clerk of said city council.

(2) In determining the sufficiency of protest, each protest shall be weighted in proportion to the amount of the assessment to be levied against the lot or parcel with respect to which it is made.

~~(2)~~(3) In determining whether or not sufficient protest has been filed in a proposed district to prevent further proceedings therein, property owned by a county, city, or town shall be considered the same as other property in the district.

~~(3)~~(4) The city council may adjourn said hearing from time to time.""

Renumber: subsequent sections

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens March 28, 1983

President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 101, 398.

Sincerely,

Ted Schwinden
Governor

March 28, 1983

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Daniel Kemmis
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Stephens and Representative Kemmis:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 670, "AN ACT TO INCREASE THE FEES FOR LICENSING OF WEIGHING DEVICES AND TO PROVIDE A LATE RENEWAL FEE; AMENDING SECTION 30-12-102, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE" without my signature and recommend the attached amendments for the following reasons.

As passed Section 1(6) of HB 670 requires the payment of a late renewal fee before the July 1 due date. The amendment I am proposing to Section 1(6), clarifies that the "late renewal fee" only becomes due after the July 1 renewal fee payment date has passed.

The other amendments conform language in the bill to the title and further provide that the weighing device may be placed back in service once the renewal fee and "late renewal fee" have been paid.

I urge your concurrence in this amendment.

Governor's Proposed Amendments
to HB 670

1. Page 2, line 7.
Following: "(6)"
Strike: "An <u>additional</u> <u>charge</u>"
Insert: "A late renewal fee"

2. Page 2, line 10.
Following: "<u>due.</u>"
Strike: "Any"
Insert: "In addition, any"

3. Page 2, lines 11 and 12.
Following: "~~section~~"
Strike: "<u>and</u> <u>the</u> <u>late</u> <u>renewal</u> <u>fee</u> <u>by</u> <u>July</u> <u>1</u> <u>of</u> <u>that</u> <u>year</u>"

Insert: "before July 1"

4. Page 2, line 14.
Following: "measures"
Insert: "until the renewal fee and late renewal fee are paid"

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate bill concurred in and returned to the Senate: 3/28/83

SB 266, introduced by Marbut, et al.

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 3/28/83

SB 40, introduced by Story

SB 84, introduced by Hazelbaker, et al.

SB 118, introduced by Towe, et al.

SB 166, introduced by Eck, et al.

SB 320, introduced by Gage

SB 391, introduced by Eck, et al.

SB 402, introduced by Mohar, et al.

SB 410, introduced by Halligan

SB 436, introduced by Blaylock

SB 439, introduced by Hager, et al.

SB 441, introduced by Tveit, et al.

The House, on 3/28/83, acceded to the request of the Senate for the return of HB 356, introduced by Vincent, et al., and is returning said bill to the Senate for further consideration.

The House, on 3/28/83, acceded to the request of the Senate for the return of HB 576, introduced by Lory, et al., and is returning said bill to the Senate for further consideration.

The House, on 3/28/83, acceded to the request of the Senate for the return of HJR 11, introduced by Harrington, et al., and is returning said bill to the Senate for further consideration.

House bills passed as amended and transmitted to the Senate for concurrence: 3/28/83

HB 418, introduced by Yardley, et al.

HB 435, introduced by Bardanouve

HB 755, introduced by Yardley, Fabrega

HB 841, introduced by Driscoll, et al.

HB 898, introduced by Bardanouve

HB 908, introduced by Harper, et al.

MOTIONS

Senator R. Manning moved that the Senate reconsider its action in indefinitely postponing HB 193. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Mazurek, Mohar, Ochsner, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 25

Noes: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Marbut, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 22

Paired: Daniels, Aye; Shaw, No.

Excused: D. Manning, Norman.
Total 2

Absent or not voting: McCallum.
Total 1

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Keating in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 356 - That HB 356, third reading copy, be amended as follows:

1. Strike: amendments 1 through 8

2. Page 1, line 19.
Following: line 19
Insert: "The limitation provided in this section does not apply to contributions made by a political party eligible for a primary election under 13-10-601. This exception applies only to the state party or its designee and no more than one organization of each political party is exempt under this exception."

3. Page 1, line 18.
Following: "campaign."
Insert: "The foregoing limitations shall be multiplied by the inflation factor as defined in 15-30-101(8) for the year in which general elections are held after 1984; the resulting figure shall be rounded off to the nearest $50 increment. The commissioner of political practices shall publish the revised limitations as a rule."

Substitute motion that the above Committee of the Whole amendments be amended by adding the following:

4. Amendment 2.
Strike: "This exception applies only to the state party or its designee and no more than one organization of each political party is exempt under this exception."

Amendment passed as follows:

Ayes: Aklestad, Boylan, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 25

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Eck, Fuller, Graham, Haffey, Hager, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 22

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

Amendments 1, 2, 3, and 4 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Crippen.
Total 1

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: Hager.
Total 1

That HB 356, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Blaylock, Fuller.
Total 2

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: Turnage.
Total 1

HB 576 - That HB 576 be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Brown, Conover, Crippen, Eck, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, R. Manning, Marbut, Mazurek, McCallum, Mohar, Regan, Severson, Shaw, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 34

Noes: Aklestad, Boylan, Christiaens, Dover, Elliott, Gage, Lee, Lynch, Ochsner, Smith, Story, Tveit.
Total 12

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: Turnage.
Total 1

HB 540 - That HB 540, without objection, be moved below HJR 11.

HJR 11 - That HJR 11, third reading copy, be amended as follows:

1. Title, line 13.
Strike: "CORPORATIONS"
Insert: "BUSINESS ENTERPRISES AND LABOR"

2. Page 1, line 21.
Strike: "NOW"

3. Page 2, line 1.
Following: "efforts,"
Insert: "laws"

4. Page 2, line 1.
Following: "the"
Insert: "legislature and"

5. Page 2, line 5.
Strike: "corporations"
Insert: "business enterprises and labor"

6. Page 2, line 8.
Strike: "corporation is"
Insert: "business enterprises and labor are"

7. Page 2, line 15.
Strike: "corporation"
Insert: "business enterprises"

8. Page 2, line 16.
Strike: "inestimable"
Insert: "severe and often irreparable"

9. Page 2, line 19.
Strike: "senior"

10. Page 2, line 20.
Strike: "corporation"
Insert: "business enterprise"

11. Page 2, line 22.
Strike: "usually"
Insert: "may be"
Strike: "often"

12. Page 3, line 3.
Following: "promote"
Insert: "economic"

13. Page 3, line 5.
Strike: "old and new businesses"
Insert: "business"

14. Page 3, line 8.
Strike: "corporation"
Insert: "business enterprise"

15. Page 3, lines 9 and 10.
Strike: "over a long and fruitful history"
Insert: "conducting business in Montana"

16. Page 3, line 13.
Strike: "WORKERS"
Insert: "employees"

17. Page 3, line 13.
Strike: "corporation"
Insert: "business enterprise, nor should it disregard its responsibility for equitable treatment to the community in which it has operated"

18. Page 3, line 15.
Strike: "corporation"
Insert: "business enterprise"
Strike: "corporation"
Insert: "business enterprise"

19. Page 3, line 17.
Strike: "corporation"
Insert: "socio-economic"

20. Page 3, line 22.
Strike: "industrial"
Insert: "business"

21. Page 4, lines 2 and 3.
Strike: ", AND ALL OTHERS WHOM IT MAY CONCERN"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

That HJR 11, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith,

Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 540 - That HB 540, third reading copy, be amended as follows:

1. Page 2, line 4.
Strike: "alcohol or"
Strike: "shall"

2. Page 2, lines 5 and 6.
Strike: "UPON THE WAYS OF THE STATE OPEN TO THE PUBLIC."
Insert: "anywhere within this state;

(c) the provisions of 61-8-301 and 61-8-401, with regard to operating a vehicle while under the influence of alcohol, apply upon all ways of this state open to the public."

3. Page 3, line 16.
Following: "vehicle"
Insert: "by a person"

4. Page 6.
Following: line 16
Insert: "THERE IS A NEW MCA SECTION THAT READS:

"Section 4. Multiple convictions prohibited. When the same acts may establish the commission of an offense under both [section 2] and 61-8-401, a person charged with such conduct may be prosecuted for a violation of both [section 2] and 61-8-401. However, he may only be convicted of an offense under either [section 2] or 61-8-401.""
Renumber: subsequent sections

5. Page 6, line 19.
Strike: "sections 2"
Insert: "section 2]"
Strike: "3]"
Insert: "61-8-401"

6. Page 9, line 17.
Following: "SECTION 2"
Insert: "]"
Strike: "3 OF THIS ACT]"
Insert: "61-8-401"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith,

Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

That HB 540, third reading copy, be further amended as follows:

1. Page 10, line 3.
Strike: subsection (ii) in its entirety
Renumber: subsequent subsections

2. Page 10, line 11.
Strike: "and"

3. Page 10 line 13.
Following: "department"
Insert: "; and

(iv) If the test was on a blood sample, it must comply with (1)(b)(i) through (1)(b)(iii) of this section, and in addition, the person withdrawing the blood must have been competent to do so under 61-8-405(1)."

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

That HB 540, third reading copy, be further amended as follows:

1. Page 10, lines 14 through 20.
Strike: subsection (2) in its entirety
Renumber: subsequent subsections

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith,

Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

That HB 540, third reading copy, be further amended as follows:

1. Page 11, line 6.
Following: line 6
Insert: "THERE IS A NEW MCA SECTION WHICH READS:

"Section 8. Penalty for driving with excessive blood alcohol concentration. (1) A person convicted of a violation of [section 2], shall be punished by imprisonment for not more than 10 days and shall be punished by a fine of not more than $500.

(2) On a second conviction of a violation of [section 2], he shall be punished by imprisonment for not less than 48 consecutive hours or more than 30 days and by a fine of not less than $100 or more than $500.

(3) On a third or subsequent conviction of a violation of [section 2], he shall be punished by imprisonment for not less than 48 consecutive hours or more than 6 months and by a fine of not less than $300 or more than $1,000.

(4) In addition to the above, the provisions of 61-5-205(2), 61-5-208(2), and 61-11-203 relating to revocation and suspension of driver's licenses shall apply to any conviction under [section 2]."""

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

That HB 540, third reading copy, be further amended as follows:

1. Page 5, line 1.
Following: "blood"
Strike: ", urine, or breath"

2. Page 5, line 2.
Following: "~~chemical~~"
Insert: "chemical"

3. Page 8, lines 8 and 9.
Strike: remainder of line 8 through "PUBLIC" on line 9
Insert: "on the highways of this state"

4. Page 9, line 17.
Following: "This Act"
Strike: remainder of line 17 through "evidence" on line 19

That the amendment be divided.

Amendments 1, 2, and 3 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

Amendment 4 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, R. Manning, McCallum, Ochsner, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 39

Noes: Crippen, Lee, Marbut, Mazurek, Mohar, Regan, Smith.
Total 7

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: Kolstad.
Total 1

That HB 540, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Etchart, Galt, Shaw.

Total 3

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Keating moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 9 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 44

Noes: Aklestad, Smith, Tveit.
Total 3

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 24 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: Van Valkenburg.
Total 1

HB 93 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 99 failed to be concurred in as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Eck, Fuller, Haffey, Halligan, Jacobson, Lynch, Mazurek, Mohar, Regan, Thomas, Towe, Van Valkenburg.
Total 16

Noes: Aklestad, Boylan, Conover, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, R. Manning, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Mr. President.
Total 31

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 121 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Mazurek, McCallum, Mohar, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: Marbut, Severson.
Total 2

HB 172 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.

Total 3

Absent or not voting: None.
Total 0

HB 176 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: Marbut.
Total 1

HB 221 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 279 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 306 concurred in as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, Mohar, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 37

Noes: Aklestad, Boylan, Elliott, Etchart, Hammond, Himsl, McCallum, Ochsner, Smith, Tveit.
Total 10

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 312 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 329 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Shaw, Story.
Total 2

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 343 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 45

Noes: Elliott, Shaw.
Total 2

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 358 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Eck, Fuller, Gage, Graham, Haffey, Halligan, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 32

Noes: Aklestad, Dover, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Hazelbaker, Keating, Ochsner, Severson, Shaw, Smith, Tveit, Mr. President.
Total 16

Paired: Norman, Aye; Dover, No.

Excused: Daniels, D. Manning,
Total 2

Absent or not voting:
Total 0

HB 360 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 371 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 43

Noes: Hazelbaker, Smith, Story, Tveit.
Total 4

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 415 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 419 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Ochsner.
Total 1

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 426 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Hammond.
Total 1

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 428 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 444 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 465 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Hammond, Ochsner.
Total 2

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 847 failed to be concurred in as follows:

Ayes: Berg, Blaylock, Christiaens, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Kolstad, Lane, Lynch, R. Manning, Mazurek, Mohar, Regan, Stimatz, Story, Towe, Van Valkenburg.
Total 20

Noes: Aklestad, Boylan, Brown, Conover, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Thomas, Turnage, Tveit, Mr. President.
Total 27

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 862 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Etchart.
Total 1

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: Marbut.
Total 1

HB 356 concurred in as follows:

Ayes: Aklestad, Berg, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Blaylock, Boylan, Shaw.
Total 3

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 399 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Elliott.
Total 1

Excused: Daniels, D. Manning, Norman.

Total 3

Absent or not voting: Boylan.
Total 1

HB 495 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, Mohar, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: McCallum, Smith.
Total 2

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: Conover, Haffey.
Total 2

HB 503 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 591 concurred in as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Regan, Severson, Stimatz, Story, Thomas, Towe, Turnage, Tveit.
Total 35

Noes: Aklestad, Boylan, Gage, Galt, Goodover, Keating, Lee, Ochsner, Shaw, Smith, Van Valkenburg, Mr. President.
Total 12

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 633 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Boylan.
Total 1

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 636 concurred in as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Eck, Elliott, Fuller, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Lane, Lynch, R. Manning, Marbut, Mazurek, Regan, Shaw, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 28

Noes: Aklestad, Boylan, Crippen, Dover, Etchart, Gage, Galt, Goodover, Hammond, Keating, Kolstad, Lee, McCallum, Mohar, Ochsner, Severson, Smith, Story, Tveit.
Total 19

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 662 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Dover, Eck, Etchart, Fuller, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Lane, R. Manning, Marbut, Mazurek, McCallum, Mohar, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg.
Total 34

Noes: Aklestad, Crippen, Gage, Galt, Goodover, Himsl, Kolstad, Lynch, Norman, Ochsner, Turnage, Mr. President.
Total 12

Paired: Etchart, Aye; Norman, No.

Excused: Daniels, D. Manning.
Total 2

Absent or not voting: Elliott, Lee.
Total 2

HB 663 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum,

Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: Goodover.
Total 1

HB 684 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 702 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 715 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 720 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 750 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 772 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.

Total 3

Absent or not voting: None.
Total 0

HB 788 concurred in as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 38

Noes: Aklestad, Boylan, Elliott, Etchart, Galt, Himsl, Ochsner, Smith, Tveit.
Total 9

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 798 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Aklestad, Dover, Hammond, Ochsner, Story.
Total 5

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 814 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Boylan.
Total 1

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 886 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover,

Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Shaw.
Total 1

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: Hammond.
Total 1

At the request of Senator Haffey, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Haffey moved that the rules be temporarily suspended in order to place HJR 11 on third reading this day. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Galt, Lee.
Total 2

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SJR 24 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: Towe.
Total 1

HB 100 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 42

Noes: Boylan, Hammond, Shaw, Smith, Tveit.
Total 5

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 191 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 213 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Hammond, Lee, Story.
Total 3

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 281 concurred in as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.

Total 41

Noes: Berg, Eck, Himsl, Mohar, Regan, Van Valkenburg.
Total 6

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 283 failed to be concurred in as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Dover, Eck, Fuller, Graham, Haffey, Hager, Halligan, Jacobson, Lynch, R. Manning, Mazurek, Mohar, Regan, Stimatz, Towe, Van Valkenburg.
Total 20

Noes: Aklestad, Boylan, Conover, Crippen, Elliott, Etchart, Gage, Galt, Goodover, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 27

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 284 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Dover, Eck, Fuller, Galt, Haffey, Halligan, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, R. Manning, Mazurek, Mohar, Ochsner, Regan, Shaw, Smith, Thomas, Towe, Van Valkenburg.
Total 28

Noes: Aklestad, Brown, Daniels, Elliott, Etchart, Gage, Goodover, Graham, Hager, Hammond, Himsl, Lynch, Marbut, McCallum, Norman, Severson, Stimatz, Story, Turnage, Tveit, Mr. President.
Total 21

Paired: Jacobson, Regan, Ayes; Daniels, Norman, Noes.

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 309 failed to be concurred in as follows:

Ayes: Aklestad, Blaylock, Brown, Eck, Elliott, Fuller, Graham, Hager, Hazelbaker, Himsl, Keating, Kolstad, Lane, Mazurek, Mohar, Regan, Shaw, Smith, Thomas, Towe, Turnage.
Total 21

Noes: Berg, Boylan, Christiaens, Conover, Crippen, Dover, Etchart, Gage, Galt, Goodover, Haffey, Halligan, Hammond, Jacobson, Lee, Lynch, R. Manning, Marbut, McCallum, Ochsner, Severson, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 26

Excused: Daniels, D. Manning, Norman.

Total 3

Absent or not voting: None.
Total 0

HB 362 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Eck, Fuller, Gage, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 40

Noes: Dover, Elliott, Etchart, Haffey, Shaw, Tveit, Van Valkenburg.
Total 7

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 521 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 523 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 41

Noes: Elliott, Hager, Lee, Ochsner, Story, Tveit.
Total 6

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 534 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover,

Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 565 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 595 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 608 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 46

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: Towe.
Total 1

HB 609 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 625 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Regan, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 37

Noes: Aklestad, Etchart, Galt, Hammond, Himsl, Ochsner, Severson, Shaw, Smith, Tveit.
Total 10

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 685 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Elliott, Keating.
Total 2

Excused: Daniels, D. Manning, Norman.

Total 3

Absent or not voting: None.
Total 0

HB 698 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 700 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Regan, Severson, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 40

Noes: Keating, Lee, Ochsner, Shaw, Smith, Tveit.
Total 6

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: Mohar.
Total 1

HB 714 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Hammond, Shaw.
Total 2

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 718 concurred in as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Aklestad, Boylan, Elliott, Galt, Story.
Total 5

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 732 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: Graham, Shaw.
Total 2

HB 733 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 46

Noes: Van Valkenburg.
Total 1

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 749 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 836 concurred in as follows:

Ayes: Brown, Christiaens, Conover, Crippen, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Jacobson, Keating, Lane, Lee, Lynch, R. Manning, Mohar, Severson, Shaw, Stimatz, Towe, Turnage, Tveit, Van Valkenburg.
Total 25

Noes: Aklestad, Berg, Blaylock, Boylan, Dover, Eck, Graham, Hager, Halligan, Hammond, Hazelbaker, Himsl, Kolstad, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Smith, Story, Thomas, Mr. President.
Total 23

Paired: Turnage, Aye; Norman, No.

Excused: Daniels, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HB 856 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: Galt, Halligan.
Total 2

HB 872 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.

Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HJR 30 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: Graham.
Total 1

HB 232 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 357 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.

Total 0

HB 377 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Fuller, Galt, Goodover, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Keating, Kolstad, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 38

Noes: Aklestad, Etchart, Gage, Graham, Hammond, Himsl, Lane, Shaw.
Total 8

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: Elliott.
Total 1

HB 493 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Boylan, Shaw.
Total 2

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 545 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Graham.
Total 1

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: Conover.
Total 1

HB 628 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut,

Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: Stimatz.
Total 1

HB 677 concurred in as follows:

Ayes: Berg, Boylan, Christiaens, Conover, Daniels, Etchart, Fuller, Graham, Haffey, Halligan, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Mazurek, Norman, Severson, Stimatz, Story, Thomas, Towe, Tveit, Van Valkenburg, Mr. President.
Total 27

Noes: Aklestad, Blaylock, Brown, Crippen, Dover, Eck, Elliott, Gage, Galt, Goodover, Hager, Hazelbaker, Keating, D. Manning, Marbut, McCallum, Mohar, Ochsner, Regan, Shaw, Smith, Turnage.
Total 22

Paired: Daniels, Norman, Towe, Ayes; Eck, D. Manning, Turnage, Noes.

Excused: None.
Total 0

Absent or not voting: Hammond.
Total 1

HB 705 concurred in as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, Mohar, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 42

Noes: Berg, Himsl, McCallum, Severson, Tveit.
Total 5

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 826 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 45

Noes: R. Manning, Van Valkenburg.

Total 2

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 846 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 853 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 44

Noes: Himsl, Tveit.
Total 2

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: Severson.
Total 1

HB 871 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 42

Noes: Boylan, Keating, Smith, Story, Tveit.
Total 5

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.

Total 0

HB 880 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 576 concurred in as follows:

Ayes: Berg, Blaylock, Brown, Conover, Crippen, Eck, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, R. Manning, Marbut, Mazurek, McCallum, Mohar, Regan, Severson, Shaw, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 34

Noes: Aklestad, Boylan, Christiaens, Dover, Elliott, Gage, Hammond, Lee, Lynch, Ochsner, Smith, Story, Tveit.
Total 13

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HB 540 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Etchart, Galt.
Total 2

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

HJR 11 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham,

Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Galt, Lee, Shaw.
Total 3

Excused: Daniels, D. Manning, Norman.
Total 3

Absent or not voting: None.
Total 0

Senate stood in recess subject to the call of the Chair at 6:40 p.m.

Senate resumed at 7:07 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly enrolled: SB 251.
Examined by the sponsor (Goodover) and found to be correct: SB 251.
Signed by the President at 4:10 p.m., 3/28/83: SB 251.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 7:11 p.m., until Tuesday, March 29, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTY-FIRST LEGISLATIVE DAY

Helena, Montana
March 29, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except D. Manning, Norman, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the seventieth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly enrolled: SB 150.
Examined by the sponsor (Story) and found to be correct: SB 150.
Delivered to the Governor for his approval at 1:15 p.m., 3/29/83: SB 150.

TAXATION (Goodover, Chairman):
HB 446, be concurred in. Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bill passed as amended and transmitted to the Senate for concurrence: 3/25/83

HB 447, introduced by Bardanouve

House bills passed and transmitted to the Senate for concurrence: 3/28/83

HB 1, introduced by Vincent, et al.

HB 108, introduced by Manuel, et al.

HB 114, introduced by Manuel, et al.

HB 153, introduced by Kitselman

HB 187, introduced by Menahan, et al.

HB 334, introduced by Roush, et al.

HB 400, introduced by Waldron, et al.

HB 405, introduced by Holliday, et al.

HB 597, introduced by Schye, et al.

HB 613, introduced by Lory, et al.

HB 640, introduced by Harrington, et al.

HB 668, introduced by Brand

HB 682, introduced by Shontz, et al.

HB 692, introduced by Bardanouve

HB 745, introduced by Schye, et al.

HB 759, introduced by Menahan, et al.

HB 785, introduced by D. Brown, et al.

HB 793, introduced by Bertelsen

HB 800, introduced by Vincent, et al.

HB 815, introduced by Fabrega, et al.

HB 819, introduced by Asay, et al.

HB 864, introduced by Connelly, et al.

HB 876, introduced by Jacobsen, et al.

HB 885, introduced by Jacobsen, et al.

HB 897, introduced by Neuman, et al.

HB 903, introduced by Fagg, et al.

HB 909, introduced by Marks, et al.

HB 914, introduced by Asay, et al.

HB 919, introduced by Peck, Neuman

HB 922, introduced by Fabrega

HB 924, introduced by J. Brown

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 3/28/83

SB 21, introduced by Halligan

SB 155, introduced by McCallum, et al.

SB 201, introduced by Turnage

SB 214, introduced by E. Smith, et al.

SB 235, introduced by Haffey, et al.

SB 289, introduced by Norman

SB 316, introduced by Towe, et al.

SB 335, introduced by Towe, et al.

SB 378, introduced by Graham

SB 395, introduced by E. Smith, et al.

SB 426, introduced by Story, et al.

SB 446, introduced by Thomas, et al.

SB 451, introduced by Stephens

SB 456, introduced by Fuller, et al.

Senate bills concurred in and returned to the Senate: 3/28/83

SB 287, introduced by Halligan

SB 318, introduced by Graham

The House, on 3/28/83, acceded to the request of the Senate for the return of HB 193, introduced by Pistoria, et al., and is returning said bill to the Senate for further consideration.

Senate bill not concurred in as amended and returned to the Senate:
3/28/83

SB 286, introduced by E. Smith, et al.

MOTIONS

Senator Smith moved that the Senate reconsider its action in failing to concur in HB 847 on third reading on 3/28/83, that the Senate request that the House return the bill for further consideration, and that it then be referred to the Committee on Finance and Claims. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Norman.
Total 2

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the President be authorized to dissolve the conference committee on SB 69 and that he be authorized to appoint a free conference committee to confer on House amendments to SB 69. Motion carried unanimously.

The President appointed the following members:

Senator Aklestad, Chairman
Senator Crippen
Senator Fuller

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Halligan in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 94 - That House amendments to SB 94 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Blaylock, Eck, Lynch.

Total 3

Excused: D. Manning, Norman.
Total 2

Absent or not voting: None.
Total 0

SB 95 - That House amendments to SB 95 be concurred in. Motion carried as follows:

Ayes: Aklestad, Brown, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, Marbut, Mazurek, McCallum, Mohar, Ochsner, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 39

Noes: Berg, Blaylock, Boylan, Christiaens, Eck, R. Manning, Regan, Stimatz.
Total 8

Excused: D. Manning, Norman.
Total 2

Absent or not voting: Halligan.
Total 1

SB 114 - That House amendments to SB 114 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Norman.
Total 2

Absent or not voting: None.
Total 0

SB 120 - That House amendments to SB 120 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Norman.
Total 2

Absent or not voting: None.
Total 0

HB 193 - That HB 193, third reading copy, be amended as follows:

1. Page 1, line 21.
Strike: subsection 3 in its entirety

2. Page 1, line 20.
Following: "7-5-4307."
Insert: "Provided, however, contracts wherein the value of the majority of the services to be rendered constitute services other than professional, technical, engineering, and legal services must be awarded under the bidding procedure provided for in 7-5-4302 through 7-5-4304, 7-5-4306, and 7-5-4307."

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Norman.
Total 2

Absent or not voting: None.
Total 0

That HB 193, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Norman.
Total 2

Absent or not voting: None.
Total 0

SB 384 - That House amendments to SB 384 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning, Norman.
Total 2

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Halligan moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly enrolled: SB 68, SB 194, SB 244, SB 281, SB 295, SB 342, SB 413.
Examined by the sponsor (Aklestad) and found to be correct: SB 194.
Examined by the sponsor (Eck) and found to be correct: SB 281.
Examined by the sponsor (Gage) and found to be correct: SB 68, SB 342, SB 413.
Examined by the sponsor (Marbut) and found to be correct: SB 295.
Examined by the sponsor (Towe) and found to be correct: SB 244.
Signed by the President at 10:00 a.m., 3/29/83: SB 68, SB 150, SB 194, SB 244, SB 281, SB 295, SB 342, SB 413, HB 96, HB 420, HB 455, HB 459, HB 467, HB 513, HB 651, HB 671, HB 687, HB 699, HB 822.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 3:35 p.m., until Wednesday, March 30, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTY-SECOND LEGISLATIVE DAY

Helena, Montana
March 30, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except D. Manning, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the seventy-first legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):

Delivered to the Governor for his approval at 10:00 a.m., 3/30/83: SB 2, SB 125, SB 174, SB 208, SB 248, SB 264, SB 314, SB 340.

Delivered to the Governor for his approval at 11:30 a.m., 3/30/83: SB 137, SB 246, SB 250, SB 265, SB 267, SB 305, SB 324, SB 403, SB 422, SB 432, SB 445, SB 447, SB 453.

TAXATION (Goodover, Chairman):

SJR 23, introduced bill, be amended as follows:

1. Title, line 7.
Following: "TAX CREDITS"
Insert: ", TAX DEDUCTIONS, TAX EXCLUSIONS, AND TAX EXEMPTIONS"

2. Page 1, line 14.
Following: line 13
Insert: "WHEREAS, the Legislature allows tax deductions, tax exclusions, and tax exemptions in an attempt to further the public policy of the State of Montana; and"

3. Page 1, line 15.
Following: "credits"
Insert: ", tax deductions, tax exclusions, and tax exemptions"

4. Page 1, line 18.
Following: "credits"
Insert: ", tax deductions, tax exclusions, and tax exemptions"
Following: "actually"
Insert: "promote the public policy or"

5. Page 1, line 20.
Following: line 19
Insert: "WHEREAS, many of the tax laws of the State of Montana are tied directly to the federal tax laws and a change in the federal tax laws automatically changes Montana's tax laws; and"

6. Page 1, line 21.
Following: "credit"
Insert: ", tax deduction, tax exclusion, and tax exemption"

7. Page 2, line 1.
Following: "tax credit,"
Strike: "its"

Insert: "tax deduction, tax exclusion, and tax exemption, their"

8. Page 2, line 2.
Following: "and"
Strike: "its"
Insert: "their"

9. Page 2, line 4.
Following: "credit"
Insert: ", tax deduction, tax exclusion, and tax exemption"

10. Page 2, line 5.
Following: "credit"
Insert: ", tax deduction, tax exclusion, and tax exemption"

11. Page 2, line 8.
Following: "credit"
Insert: ", tax deduction, tax exclusion, and tax exemption"

And, as amended, be concurred in. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 667, be concurred in. Report adopted.

Committee adopted the following statement of intent:

Statement of Intent
HB 667

A statement of intent is required for this bill because it grants rulemaking authority to the Department of Livestock for the purpose of administering the Livestock Crimestoppers Program.

It is contemplated that the Department establish rules for instituting an award program, including criteria to be used in determining who will receive the rewards and the amount of the rewards in order to guarantee that the rewards be granted through a reasonable and consistent procedure.

It is also contemplated that the Department delineate rules for guaranteeing the confidentiality of persons providing crime-related information. These rules must be in accordance with the constitutional right to know and the right of privacy, so that confidentiality will be maintained only when "the demand of individual privacy clearly exceeds the merits of public disclosure".

It is further intended that, to facilitate the transmitting of crime-related information from the public to the Department, the Department establish a toll-free telephone number throughout the state. This toll-free number should be publicized statewide on the radio and in the press.

HB 892, be concurred in. Report adopted.
HB 907, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 747, third reading copy, be amended as follows:

1. Statement of Intent, page 1, line 19.
Following: line 18
Insert: "Any energy producer using a transmission line owned by the federal government and therefore not subject to state and local property taxes shall be subject to this tax. If the line is made available to private producers, the private producers who own power being transmitted over such lines shall be subject to the tax at the rates and in the manner prescribed in 15-24-1204. The allocation among

several users shall be allocated according to the charge by the federal government for such use to the maximum extent possible."

2. Page 1, line 15.
Following: "Each"
Insert: "private"

3. Page 1, line 16.
Following: "property"
Insert: "subject to tax pursuant to 15-24-1203"

4. Page 3, line 7.
Following: "relates."
Strike: "No"
Insert: "The"

5. Page 3, line 9.
Following: "facilities"
Insert: ", except that lines and facilities"

6. Page 3, line 10.
Following: "kilovolts"
Insert: "shall not be subject to the tax"

7. Page 4, line 17.
Following: "1983."
Insert: "From and after December 31, 1985, this act is applicable to electric transmission lines and associated facilities of a design capacity of more than 200 kilovolts."

NEW SECTION. Section 7. Codification instruction. The code commissioner is instructed to change the reference to 500 kilovolts in 15-24-1203 to 200 kilovolts when publishing the code after December 31, 1985."

And, as amended, be concurred in. Report adopted.

HB 870, third reading copy, be amended as follows:

1. Title, line 8.
Following: line 7
Strike: "PROPERTY"
Insert: "TAXABLE VALUATION"
Following: "HARD-ROCK MINERAL"
Strike: "DEVELOPERS"
Insert: "DEVELOPMENT"

2. Title, line 9.
Following: "THE USUAL"
Strike: "LOCAL"
Following: "TAXATION"
Strike: "OF CITIES,"
Insert: "BY"
Following: "COUNTIES"
Strike: ","

3. Title, line 10.
Following: line 9
Strike: "TOWNS,"
Following: "SCHOOL DISTRICTS"
Insert: "AND TO REALLOCATE THAT TAXABLE VALUATION FOR TAXATION BY THOSE MUNICIPALITIES, COUNTIES,

AND SCHOOL DISTRICTS TO WHICH THE TAXABLE VALUATION IS ALLOCATED"
Following: "TO"
Strike: remainder of line 10
Insert: "SHARE"

4. Title, line 12.
Following: "DEVELOPMENTS"
Strike: "AMONG SEVERAL TAXING JURISDICTIONS"

5. Page 3, line 24.
Following: "county,"
Strike: "city"
Insert: "municipality"

6. Page 4, line 5.
Following: "disparity —"
Strike: "tax"
Insert: "conditioned"

7. Page 4, line 6.
Following: "exemption"
Insert: "and reallocation of certain taxable valuation"

8. Page 4, line 11.
Following: "in"
Strike: "subsection (2)"
Insert: "this section"

9. Page 4, line 14.
Following: "is"
Strike: "exempt from"
Insert: "not subject to"

10. Page 4, line 15.
Following: "of"
Insert: "county and school district"
Following: "."
Insert: "This increase in taxable valuation must be allocated to local government units as provided in [section 4]. The increase in taxable valuation allocated as provided in [section 4] is subject to the application of property tax mill levies in the local government unit to which it is allocated."

11. Page 4, line 16.
Following: "The"
Insert: "total"
Following: "of"
Strike: "all"
Insert: "a"

12. Page 4, line 17.
Strike: "developments are"
Insert: "development remains"

13. Page 4, line 20.
Following: "(3)"
Strike: remainder of line 20
Insert: "The provisions of"

14. Page 4, line 21.
Following: "(1)"

Strike: "remains"
Insert: "remain"

15. Page 4, line 23.
Following: "ceases"
Insert: ", as determined by the board"

16. Page 5, line 1.
Following: "is"
Strike: "exempted from local property taxation"

17. Page 5, line 2.
Strike: "pursuant to"
Insert: "subject to the provisions of"
Following: "the"
Insert: "increase in"
Following: "valuation"
Strike: "so exempted"

18. Page 5, lines 4 through 12.
Strike: subsection (1) in its entirety
Insert: "(1) The total increase in taxable valuation of the mineral development must be allocated between affected counties and affected municipalities according to the following formula based on the place of residence of mineral development employees:

(a) A portion, not to exceed 20%, to affected municipalities, based on that percentage of the total number of mineral development employees that reside within municipal boundaries. The taxable valuation allocated to affected municipalities must be distributed to each municipality according to its percentage of the total number of mineral development employees who reside within municipal boundaries. That portion of the taxable valuation distributed to a municipality pursuant to this section is subject to the same county mill levy as other taxable properties located in the municipality.

(b) The remaining portion of the taxable valuation must be distributed to each affected county according to its percentage of the total number of mineral development employees that reside within the county."

19. Page 5, line 4.
Following: "total"
Insert: "increase in"

20. Page 5, line 13.
Following: "total"
Insert: "increase in"

21. Page 5, line 18.
Following: "total"
Insert: "increase in"

22. Page 6, line 6.
Following: "affected"
Strike: "city"
Insert: "municipality"

23. Page 6, line 8.
Following: "students"
Strike: "enrolled"
Insert: "residing"

24. Page 6, line 10.
Following: "student"
Strike: "enrolled"
Insert: "residing"

25. Page 6, line 12.
Following: line 11
Insert: "(5) The initial allocation of the increase in taxable valuation made as provided in [section 3] and [section 4] shall be made on the basis of the place of residence of employees and the district of enrollment of students as projected in the approved impact plan for that period of time between the issuance and validation of the permit and the submission of an employee survey as provided for in this section."

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

March 29, 1983

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 19, 56, 99, 157, 206, 207, 242, 276, 277, 297, 300, 349, 358, 387.

Sincerely,

Ted Schwinden
Governor

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

March 30, 1983

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 7, 26, 173, 325, 373.

Sincerely,

Ted Schwinden
Governor

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

March 30, 1983

The Honorable Daniel Kemmis
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Stephens and Representative Kemmis:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 712, "An Act Revising and Clarifying the Definition of Monthly Compensation for a Part-Paid Firefighter Employed by a Second-Class City for the Purpose of Calculating Benefits Under the Firefighters' Unified Retirement Act; Amending Section 19-13-104, MCA; and Providing an Immediate Effective Date," without my signature and recommend the attached amendments for the following reasons.

As passed, House Bill No. 712 provides that the mandatory retirement contribution for a part-paid firefighter in a second-class city is based upon 15 percent of a full-paid firefighter's salary in "the city that last employed the part-paid firefighter." This language overlooks the part-paid firefighter who has not worked for another city. Also, a first-class city normally pays higher salaries. If a part-paid firefighter previously worked for a first-class city, the above-quoted language could be interpreted to raise that part-paid firefighters' mandatory monthly contribution, in many instances to a sum higher than his monthly salary.

The history of House Bill No. 712 indicates that the purpose of the Legislature was to lower the contribution of these part-paid firefighters, some of whom are already making retirement contributions in excess of their salary.

The amendments I am proposing would clarify that the retirement contribution of part-paid firefighters in a second-class city is based upon 15 percent of the salary of full-paid firefighters in that same city, or, if that city does not employ full-paid firefighters, 15 percent of the average full-paid salary in all second-class cities that do hire full-paid firefighters.

I urge your concurrence in these amendments.

Governor's Proposed Amendments
to HB 712

1. Page 3, line 25.
Following: "that"
Strike: "last employed"
Insert: "employs"

2. Page 4, line 2.
Following: "city"
Strike: "no longer employs"
Insert: "does not employ"

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House, on 3/30/83, acceded to the request of the Senate for the return of HB 847, introduced by Driscoll, and is returning said bill to the Senate for further consideration.

The House, on 3/26/83, dissolved the conference committee on SB 69 and appointed a free conference committee to meet with a like committee from the Senate to confer on SB 69.

The Speaker appointed the following members:

Representative Driscoll, Chairman
Representative Addy
Representative Thoft

MOTIONS

Senator Towe moved that HB 446 be taken from second reading and that it be referred to the Committee on Taxation. Motion failed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Halligan, Lane, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 18

Noes: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Gage, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lee, Lynch, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 29

Excused: D. Manning.
Total 1

Absent or not voting: Boylan, Galt.
Total 2

Senator Smith moved that HB 847, which was returned from the House, be returned to the Committee on Finance and Claims. Motion carried unanimously.

FIRST READING OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 447, introduced by Bardanouve, (By Request of the Office of Budget and Program Planning). Referred to Committee on Finance and Claims.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 94, House amendments, concurred in as follows:

Ayes: Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Lane, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Severson, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 35

Noes: Aklestad, Berg, Blaylock, Etchart, Gage, Galt, Hammond, Kolstad, Lee, Ochsner, Regan, Shaw, Smith.
Total 13

Excused: D. Manning.
Total 1

Absent or not voting: Lynch.
Total 1

SB 95, House amendments, concurred in as follows:

Ayes: Aklestad, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Gage, Galt, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Berg, Blaylock, Boylan, Goodover, Hammond, Lynch.
Total 6

Excused: D. Manning.
Total 1

Absent or not voting: Daniels, Fuller.
Total 2

SB 114, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: Elliott.
Total 1

SB 120, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: Smith.
Total 1

SB 384, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson,

Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 193 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Hammond in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SR 5 - That SR 5 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.

Total 0

HB 58 - That HB 58 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Marbut.
Total 1

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 446 - That HB 446, without objection, be moved to the bottom of the board.

HB 570 - That HB 570 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 742 - That HB 742 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 126 - That House amendments to SB 126 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 166 - That House amendments to SB 166 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 259 - That House amendments to SB 259 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 370 - That House amendments to SB 370 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 394 - That House amendments to SB 394 be concurred in. Motion carried as follows:

Ayes: Aklestad, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Etchart, Gage, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Himsl, Kolstad, Lane, Lee, Mazurek, Mohar, Regan, Severson, Shaw, Smith, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 32

Noes: Daniels, Haffey, Jacobson, Lynch, R. Manning, McCallum, Norman, Ochsner, Van Valkenburg.
Total 9

Excused: D. Manning.
Total 1

Absent or not voting: Berg, Boylan, Elliott, Fuller, Keating, Marbut, Stimatz, Story.
Total 8

SB 415 - That House amendments to SB 415 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 446 - That HB 446, third reading copy, be amended as follows:

1. Title, line 11.
Following: "TAX;"
Insert: "PROVIDING BORROWING PROVISIONS FOR THE HARD-ROCK MINING BOARD; PROVIDING A LOAN NOT TO EXCEED $2,500,000 TO BUTTE-SILVER BOW AND DEEMING THE POSSIBILITY OF REPAYMENT REASONABLE;"

2. Page 1, line 21.
Strike: lines 21 and 22 in their entirety
Insert: "so much of such total tax collections each year as would result from the tax rate schedule set forth in 15-37-103 plus 1.5% for the gross value of the product over $1 million without any increase provided in [Section 8]."

3. Page 1, line 24.
Following: "account,"
Strike: remainder of line 24
Insert: "all additional tax"

4. Page 1, line 25.
Following: "year"
Strike: remainder of line 25 through page 2, line 1
Insert: "remaining after credit to the general fund under subsection (1) herein."

5. Page 3, line 5.
Strike: subsection (4) in its entirety

6. Page 3, line 11.
Strike: "from county accounts"
Following: "(1)" on line 11
Strike: remainder of line 11 through "basis." on line 13

7. Page 3, line 16.
Following: "loans" on line 16
Strike: remainder of line 16 through "occurred" on line 17

8. Page 3, line 25.
Following: line 24
Insert: "NEW SECTION. Section 4. Loans to hard-rock mining impact trust account from local impact and education trust fund account. (1) Except as provided in subsection (3), the board may borrow funds from the local impact and education trust fund account provided in 90-6-202 for the purpose of assisting local government units in meeting the financial impact of large-scale mineral development if the taxes paid into the hard-rock mining impact trust account during the next 10 years can reasonably be expected to be sufficient to repay the loan.

(2) Unless otherwise provided by the legislature, loans made under the provisions of subsection (1) must be repaid to the local impact and education trust account from the revenues collected under [section 1] within 10 years. No interest may be charged for the loan.

(3) No more than $1 million may be borrowed under this section during any biennium without approval from the legislature. The legislature hereby approves a loan to Butte-Silver Bow not to exceed $2,500,000 to be repaid from future tax collections in mines in Silver Bow County and the possibility of repayment is hereby deemed reasonable."

Renumber: subsequent sections

9. Page 7, lines 6 and 7.
Following: "~~1.438%~~"
Strike: remainder of lines 6 and 7 in their entirety
Insert: "computed in accordance with [section 8].

NEW SECTION. [Section 8.] Tax rate computation when gross value exceeds $1 million. (1) The tax rate on the increment of the gross value of product over $1 million is 1.5% plus 0.25% for each 10% that the average daily price of a metal or mineral product exceeds the base price. The tax rate shall be reduced .25% for each 10% that the average daily price of a metal or mineral product on the computation date drops below the base price but in no event shall the tax rate be reduced below .5%. The computation of the tax rate shall be done once each year commencing January 1, 1984, based on the average daily price during the preceding 12 months. There shall be no change in the rate schedule set forth in 15-37-103 until January 1, 1984.

(2) The base price of a metal or mineral product used in the computation of the tax rate is 110% of the average daily price of each metal or mineral product during the 24 month period immediately preceding [the effective date of this act]. Provided however, the base price for platinum and palladium shall be $475 and $160 an ounce respectively. Each year commencing on January 1, 1984, the base price shall be adjusted upward or downward to reflect the percent change during the preceding 12 months in the wholesale price index established by the U.S. Department of Commerce.

(3) For the purpose of this section the method for determining the price of the metal or mineral product shall be established by rule adopted by the department of revenue from a quotation readily available to the public, preferably from a New York market."

10. Page 8, lines 10 through 12.
Strike: line 10 through "origin." on line 12

11. Page 8, line 15.
Following: line 14
Insert: "NEW SECTION. Section 9. Credits. There is allowed a credit against the tax imposed by [section 7] equal to 150% of all money contributed toward services, facilities, and other normal governmental expenses incurred by local governments prior to the opening of a mine or the commencement of production or following the closing of a mine operation. Before the credit is allowed, the contribution must be approved by the hard-rock mining impact board as being made for the type of expenses described in this section."
Renumber: subsequent sections

12. Page 9, line 1.
Following: "2"
Strike: "and"
Insert: ","
Following: "3"
Insert: ", and 4"

13. Page 9, line 6.
Following: "2"

Strike: "and"
Insert: ","
Following: "3"
Insert: ", and 4"

14. Page 9, line 22.
Strike: "Section 1 is"
Insert: "Sections 1, 8, and 9 are"

15. Page 9, line 24.
Strike: "section 1"
Insert: "sections 1, 8, and 9"

16. Page 9, line 25.
Following: "2"
Strike: "and"
Insert: ","
Following: "3"
Insert: ", and 4"

17. Page 10, line 3.
Following: "2"
Strike: "and"
Insert: ","
Following: "3"
Insert: ", and 4"

That the Senate, without objection, consider amendments 1, 2, 5, 6, 7, and 8.

Amendments 1, 2, 5, 6, 7, and 8 failed as follows:

Ayes: Berg, Blaylock, Christiaens, Crippen, Eck, Haffey, Jacobson, Lynch, R. Manning, Marbut, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 16

Noes: Aklestad, Boylan, Brown, Conover, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Mazurek, McCallum, Ochsner, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 33

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

Amendments 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, and 17 failed as follows:

Ayes: Christiaens, Eck, Haffey, R. Manning, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 9

Noes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, Marbut, Mazurek, McCallum, Mohar, Ochsner, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 40

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

That HB 446 be concurred in.

Substitute motion that consideration on HB 446 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Dover, Elliott, Etchart, Fuller, Gage, Haffey, Himsl, Lane, R. Manning, Mohar, Norman, Ochsner, Regan, Severson, Smith, Towe, Tveit, Van Valkenburg.
Total 25

Noes: Crippen, Eck, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lee, Lynch, Marbut, Mazurek, McCallum, Shaw, Stimatz, Story, Turnage, Mr. President.
Total 21

Excused: D. Manning.
Total 1

Absent or not voting: Daniels, Galt, Thomas.
Total 3

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Hammond moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Elliott moved that HB 446 be taken from second reading and that it be referred to the Committee on Finance and Claims. Motion carried.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly enrolled: SB 138, SB 266.
Examined by the sponsor (Marbut) and found to be correct: SB 266.
Examined by the sponsor (Mazurek) and found to be correct: SB 138.
Signed by the President at 4:30 p.m., 3/30/83: SB 138, SB 266, HB 215, HB 384, HB 421, HB 491, HB 602, HB 603, HB 618, HB 706, HB 795, HJR 21, HJR 22.
Delivered to the Governor for his approval at 4:00 p.m., 3/30/83: SB 251.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 4:46 p.m., until Thursday, March 31, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTY-THIRD LEGISLATIVE DAY

Helena, Montana
March 31, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except D. Manning, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the seventy-second legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SJR 23.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
HJR 29, third reading copy, be amended as follows:

1. Page 4, line 2.
Strike: "and"

2. Page 4, line 5.
Strike: "."
Insert: "; and"

3. Page 4, line 6.
Following: line 5
Insert: "(6) any other selected insurance issues which the committee considers pertinent and timely."

And, as amended, be concurred in. Report adopted.

JUDICIARY (Turnage, Chairman):
SJR 25, do pass. Report adopted.

TAXATION (Goodover, Chairman):
HB 582, third reading copy, be amended as follows:

1. Title, line 4.
Following: "AN ACT TO"
Strike: "CLARIFY THE"

2. Title, line 5.
Following: line 4
Strike: "DEDUCTION PROVISIONS OF"
Insert: "PROVIDE ADDITIONAL DEDUCTIONS ON"
Following: "PROCEEDS"
Strike: "TAX ON"
Insert: "OF"

3. Title, line 7.
Following: "15-23-503, MCA"
Insert: "; AND PROVIDING AN APPLICABILITY DATE"

4. Page 3, lines 20 through 22.
Following: "(14)"
Strike: remainder of line 20 through "process" on line 22

Insert: "cost of testing extracted minerals for the purpose of satisfying federal or state health and safety laws or regulations, the cost of plant security in Montana, the cost of assaying and sampling the extracted minerals, and the costs incurred in Montana for engineering and geological services for existing mining operations but not including any such services beyond the stage of reduction and beneficiation of the minerals."

5. Page 4, line 11.
Following: "developments"
Strike: ", including the costs for office, clerical, plant security, engineering, geological, and assaying and sampling services and those administrative costs ~~allocable~~ PERTAINING to the Montana mining operation"

6. Page 5, line 5.
Following: "~~fire~~"
Strike: "taxes,"
Following: "insurance"
Strike: ","

7. Page 5, line 7.
Following: "~~operators to~~"
Strike: "costs, including"

8. Page 5, line 10.
Following: "15-23-502"
Strike: "."
Insert: ";"

9. Page 5, line 11.
Following: line 10
Insert: "(h) all moneys expended for necessary labor, equipment, and supplies for testing minerals extracted to satisfy federal or state health and safety laws or regulations, for plant security in Montana, for assaying and sampling the extracted minerals, and for engineering and geological services conducted in Montana for existing mining operations but not including any such services beyond the stage of reduction and beneficiation of the minerals."

10. Page 6, line 2.
Following: "thereof"
Strike: remainder of line 2 through "personnel" on line 6
Insert: "NEW SECTION. Section 3. Applicability date. This act is applicable to taxable periods beginning after December 31, 1982."

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

March 31, 1983

Dear Mr. President:

This is to inform you that I have signed the following measure on March 30, 1983:

Senate bill 150.

Sincerely,

Ted Schwinden
Governor

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

March 31, 1983

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 185, 210, 279, 330, 345, 354, 382, 425, 435.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 3/30/83

HJR 32, introduced by Dozier, et al.

HJR 35, introduced by Jacobsen

Senate bills concurred in and returned to the Senate: 3/30/83

SJR 3, introduced by Himsl, et al.

SJR 7, introduced by Goodover, et al.

SJR 10, introduced by Van Valkenburg, et al.

The House, on 3/30/83, failed to concur in Senate amendments to HB 68 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 68.

The Speaker appointed the following members:

Representative Harper, Chairman
Representative Seifert
Representative Veleber

The House, on 3/30/83, failed to concur in Senate amendments to HB 118 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 118.

The Speaker appointed the following members:

Representative Harper, Chairman
Representative Donaldson
Representative Shontz

MOTIONS

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 118. Motion carried.

The President appointed the following members:

Senator McCallum, Chairman
Senator Story

Senator Boylan

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 68. Motion carried.

The President appointed the following members:

Senator Dover, Chairman
Senator Lee
Senator Mohar

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Hager in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 21 - That House amendments to SB 21 be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Stimatz, Towe, Van Valkenburg, Mr. President.
Total 36

Noes: Aklestad, Hammond, Kolstad, Ochsner, Shaw, Smith, Turnage.
Total 7

Excused: D. Manning.
Total 1

Absent or not voting: Brown, Daniels, Lee, Story, Thomas, Tveit.
Total 6

SB 84 - That House amendments to SB 84 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 118 - That House amendments to SB 118 be concurred in.

Substitute motion that House amendments to SB 118 be not concurred in. Motion carried as follows:

Ayes: Aklestad, Boylan, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Haffey, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lane, Lee, Marbut, Mazurek, McCallum, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Mr. President.
Total 32

Noes: Berg, Blaylock, Christiaens, Eck, Fuller, Graham, Halligan, Himsl, Jacobson, Lynch, R. Manning, Mohar, Norman, Regan, Towe, Van Valkenburg.
Total 16

Excused: D. Manning.
Total 1

Absent or not voting: Brown.
Total 1

SB 155 - That House amendments to SB 155 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 203 - That House amendments to SB 203 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Graham, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Severson, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 35

Noes: Goodover, Hammond, Lee, McCallum, Ochsner, Shaw, Smith, Tveit.
Total 8

Excused: D. Manning.
Total 1

Absent or not voting: Blaylock, Daniels, Haffey, Kolstad, Marbut, Story.
Total 6

SB 260 - That House amendments to SB 260 be not concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 317 - That House amendments to SB 317 be concurred in.

Substitute motion that House amendments to SB 317 be not concurred in. Motion carried as follows:

Ayes: Aklestad, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lee, Marbut, McCallum, Mohar, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Mr. President.
Total 32

Noes: Berg, Blaylock, Eck, Fuller, Graham, Haffey, Halligan, Himsl, Jacobson, Lane, Lynch, R. Manning, Mazurek, Norman, Regan, Towe, Van Valkenburg.
Total 17

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 320 - That House amendments to SB 320 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Shaw.
Total 1

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 363 - That House amendments to SB 363 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover,

Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Elliott.
Total 1

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SJR 17 - That House amendments to SJR 17 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Hager moved the adoption of the committee report. Report adopted.

At the request of Senator Halligan, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Halligan moved that the President be authorized to appoint a conference committee to confer on House amendments to SB 260. Motion carried.

The President appointed the following members:

Senator Halligan, Chairman
Senator Brown
Senator Mazurek

Senator Galt moved that the President be authorized to appoint a free conference committee to confer on SB 317. Motion carried.

The President appointed the following members:

Senator Kolstad, Chairman
Senator Lee

Senator Blaylock

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 58 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: Eck, Elliott.
Total 2

HB 570 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Crippen, Keating.
Total 2

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

HB 742 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.

Total 0

SB 126, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 166, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 259, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 370, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: Halligan.
Total 1

SB 394, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 43

Noes: Daniels, Eck, Haffey, McCallum, Ochsner, Van Valkenburg.
Total 6

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

SB 415, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: D. Manning.
Total 1

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly enrolled: SB 287, SB 318, SB 384.

Examined by the sponsor (Brown) and found to be correct: SB 287.
Examined by the sponsor (Graham) and found to be correct: SB 318.
Examined by the sponsor (Turnage) and found to be correct: SB 384.
Signed by the President at 2:30 p.m., 3/31/83: SB 287, SB 318, SB 384, HB 105, HB 257, HB 529, HB 634, HB 678, HB 710, HB 731, HB 789, HB 811.
Delivered to the Governor for his approval at 3:15 p.m., 3/31/83: SB 384.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 3:58 p.m., until Friday, April 1, 1983, at the hour of 9:00 a.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTY-FOURTH LEGISLATIVE DAY

Helena, Montana
April 1, 1983

Senate Chambers
State Capitol

Senate convened at 9:00 a.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except D. Manning, Lee, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the seventy-third legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SJR 25.
Delivered to the Governor for his approval at 4:15 p.m., 3/31/83: SB 68, SB 194, SB 244, SB 295, SB 342, SB 413.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House, on 3/31/83, failed to concur in Senate amendments to HB 194 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 194.

The Speaker appointed the following members:

Representative Menahan, Chairman
Representative Addy
Representative Swift

The House, on 3/30/83, failed to concur in Senate amendments to HB 299 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 299.

The Speaker appointed the following members:

Representative J. Brown, Chairman
Representative Marks
Representative Metcalf

The House, on 3/31/83, failed to concur in Senate amendments to HB 319 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 319.

The Speaker appointed the following members:

Representative Manuel, Chairman
Representative Roush
Representative Stobie

The House, on 3/31/83, failed to concur in Senate amendments to HB 376 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 376.

The Speaker appointed the following members:

Representative McBride, Chairman
Representative Harrington

Representative Winslow

The House, on 3/31/83, failed to concur in Senate amendments to HB 408 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 408.

The Speaker appointed the following members:

Representative Driscoll, Chairman
Representative Bachini
Representative Schultz

The House, on 3/31/83, failed to concur in Senate amendments to HB 429 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 429.

The Speaker appointed the following members:

Representative J. Jensen, Chairman
Representative Darko
Representative Hannah

The House, on 3/31/83, failed to concur in Senate amendments to HB 581 and appointed a free conference committee, requesting that the Senate appoint a like committee to confer on HB 581.

The Speaker appointed the following members:

Representative Yardley, Chairman
Representative Harrington
Representative Nordtvedt

The House, on 3/31/83, failed to concur in Senate amendments to HB 606 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 606.

The Speaker appointed the following members:

Representative Koehnke, Chairman
Representative Hammond
Representative R. Jensen

The House, on 3/31/83, failed to concur in Senate amendments to HB 656 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 656.

The Speaker appointed the following members:

Representative Menahan, Chairman
Representative Fagg
Representative Metcalf

The House, on 3/31/83, failed to concur in Senate amendments to HB 743 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 743.

The Speaker appointed the following members:

Representative Lybeck, Chairman
Representative Connelly
Representative Curtiss

The House, on 3/31/83, failed to concur in Senate amendments to HB 770 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 770.

The Speaker appointed the following members:

Representative Spaeth, Chairman
Representative Hansen
Representative Lory

The House, on 3/31/83, failed to concur in Senate amendments to HB 776 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 776.

The Speaker appointed the following members:

Representative Shontz, Chairman
Representative Ramirez
Representative Schye

The House, on 3/31/83, failed to concur in Senate amendments to HB 873 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 873.

The Speaker appointed the following members:

Representative J. Brown, Chairman
Representative Bergene
Representative Metcalf

The House, on 3/31/83, failed to concur in Senate amendments to HJR 5 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HJR 5.

The Speaker appointed the following members:

Representative Menahan, Chairman
Representative Marks
Representative Zabrocki

The House, on 3/31/83, failed to concur in Senate amendments to HJR 19 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HJR 19.

The Speaker appointed the following members:

Representative Kennerly, Chairman
Representative Asay
Representative Howe

Senate amendments to House bills concurred in: 3/31/83

HB 30, introduced by Lory

HB 35, introduced by Daily

HB 37, introduced by Schultz

HB 83, introduced by Hemstad, et al.

HB 126, introduced by Kitselman, Shontz

HB 130, introduced by Stobie, et al.

HB 151, introduced by Peck, et al.

HB 166, introduced by Miller

HB 169, introduced by Eudaily, et al.

HB 182, introduced by Winslow, Bengtson

HB 199, introduced by Addy, Donaldson

HB 212, introduced by Fabrega, et al.

HB 219, introduced by Hannah, Jensen

HB 222, introduced by Peck

HB 224, introduced by Jensen

HB 228, introduced by Quilici

HB 229, introduced by Ramirez, et al.

HB 231, introduced by Brand, Hemstad

HB 234, introduced by Yardley

HB 245, introduced by Addy, et al.

HB 250, introduced by Vincent, et al.

HB 264, introduced by McBride, et al.

HB 266, introduced by Connelly, et al.

HB 267, introduced by Kitselman

HB 273, introduced by Peck

HB 277, introduced by C. Smith, et al.

HB 290, introduced by Seifert, et al.

HB 293, introduced by Dozier

HB 303, introduced by Mueller

House bills passed and transmitted to the Senate for concurrence: 3/31/83

HJR 36, introduced by Keyser, et al.

MOTIONS

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 29. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 194. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 299. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 319. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 408. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 581. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 606. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 656. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 743. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 770. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 776. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 873. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HJR 5. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HJR 19. Motion carried.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 21, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Shaw, Smith.
Total 2

Excused: Lee, D. Manning.
Total 2

Absent or not voting: Goodover, Lynch, Thomas.
Total 3

SB 84, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 46

Noes: None.
Total 0

Excused: Lee, D. Manning.
Total 2

Absent or not voting: Lynch, Thomas.
Total 2

SB 155, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Lee, D. Manning.
Total 2

Absent or not voting: Lynch, Thomas.
Total 2

SB 203, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Goodover, Ochsner, Shaw, Smith.
Total 4

Excused: Lee, D. Manning.
Total 2

Absent or not voting: Lynch, Thomas.
Total 2

SB 320, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Shaw.
Total 1

Excused: Lee, D. Manning.
Total 2

Absent or not voting: Lynch, Thomas.
Total 2

SB 363, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Elliott.
Total 1

Excused: Lee, D. Manning.
Total 2

Absent or not voting: Lynch, Thomas.
Total 2

SJR 17, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Lee, D. Manning.
Total 2

Absent or not voting: Lynch, Thomas.
Total 2

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Eck in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 237 - That House amendments to SB 237 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Lee, D. Manning.
Total 2

Absent or not voting: Lynch, Thomas.
Total 2

SB 280 - That House amendments to SB 280 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Lee, D. Manning.
Total 2

Absent or not voting: Lynch, Thomas.
Total 2

SB 289 - That House amendments to SB 289 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Lee, D. Manning.
Total 2

Absent or not voting: Lynch, Thomas.
Total 2

Senator Thomas present at 9:25 a.m.

SB 292 - That House amendments to SB 292 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.

Total 0

Excused: Lee, D. Manning.
Total 2

Absent or not voting: Lynch.
Total 1

SB 426 - That House amendments to SB 426 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Lee, D. Manning.
Total 2

Absent or not voting: Lynch.
Total 1

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Eck moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

Senator Lynch present at 9:27 a.m.

MOTIONS

Senator Hazelbaker moved that the President be authorized to appoint a free conference committee to confer on SB 118. Motion carried.

The President appointed the following members:

Senator Story, Chairman
Senator Hammond
Senator Towe

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Signed by the President at 9:30 a.m., 4/1/83: HB 121, HB 176, HB 213, HB 306, HB 312, HB 360, HB 371, HB 426, HB 534, HB 595, HB 608, HB 609, HB 633, HB 684, HB 698, HB 732, HJR 30.

TAXATION (Goodover, Chairman):
HB 858, be concurred in. Report adopted.
HB 550, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Boylan, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Lane, Marbut, Mazurek, McCallum, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 31

Noes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Jacobson, Lynch, R. Manning, Mohar, Norman, Regan, Van Valkenburg.
Total 15

Excused: Lee, D. Manning.
Total 2

Absent or not voting: Graham, Kolstad.
Total 2

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 10:01 a.m., until Monday, April 4, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

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OF THE

Forty-Eighth Legislature

OF THE

State of Montana

VOLUME III

Held in Helena, the Seat of Government
Commencing in Regular Session January 3, 1983 and
Ending April 21, 1983

Stan Stephens
President of the Senate

John W. Larson
Secretary of the Senate

Nikki Dye
Journal Clerk

Karen Jacobson
Asst. Journal Clerk

Carmen Hanson
Data Entry Clerk

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THE MONTANA LEGISLATIVE COUNCIL

SEVENTY-FIFTH LEGISLATIVE DAY

Helena, Montana
April 4, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Galt, Graham, D. Manning, Shaw, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the seventy-fourth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Delivered to the Governor for his approval at 10:30 a.m., 4/1/83: SB 138, SB 266, SB 281.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully report as follows:

That the following attaches of the Senate be employed as of 8:00 a.m. on Monday, April 4, 1983:

Cindee L. Bachman.....Page
Jess R. Berg.....Page
Eric P. Bjorgum.....Page
Crista L. Cady.....Page
Michelle Miller.....Page
Tony L. Olson.....Page
WaNell F. Smith.....Page
Julie A. Thurnau.....Page
Pat M. Walsh.....Page

And that the following attaches of the Senate be terminated as of 5:00 p.m. on Saturday, April 2, 1983:

Julie L. Anderson.....Page
Julie A. Austin.....Page
Amy B. Chvilicek.....Page
Paulette Fasching.....Page
Eric L. Jacobson.....Page
Nina E. Knox.....Page
Jeff McNally.....Page
Michael L. Solum.....Page
Jaime R. Zink.....Page
Beverly Braut.....Committee Secretary

Report adopted.

BUSINESS AND INDUSTRY (Kolstad, Chairman):
HB 574, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens
President of the Senate
State Capitol

April 2, 1983

Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 2, 125, 137, 184, 204, 208, 221, 264, 269, 278, 293, 294, 314, 319, 336, 388, 392, 403, 404, 432, 453.

Sincerely,

Ted Schwinden
Governor

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

April 4, 1983

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 174, 246, 248, 250, 251, 265, 267, 305, 324, 340, 422, 445, 447.

Sincerely,

Ted Schwinden
Governor

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

April 2, 1983

The Honorable Daniel Kemmis
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Stephens and Representative Kemmis:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill No. 298, "AN ACT REVISING THE DETERMINATION OF DISTANCE LIMITATIONS FOR THE ISSUANCE OF A LIQUOR LICENSE; EXCEPTING LICENSES ALREADY ISSUED; AMENDING SECTIONS 16-1-106, 16-4-105, 16-4-201, AND 16-4-501, MCA; AND REPEALING SECTIONS 16-4-409 AND 16-4-410, MCA," without my signature and recommend the attached amendments for the following reasons.

The alcoholic beverage license laws provide a quota for licenses issued for establishments inside or within five miles of incorporated cities and towns. Senate Bill No. 298 revises the method of determining the five mile distance from road distance to distance as the crow flies.

To protect license holders who obtained licenses under the present system, Section 6 provides that Senate Bill No. 298 "does not affect a license issued prior to October 1, 1983." However, the straight-line method would

include as municipal licenses all establishments included under the road distance method. Section 6 is therefore unnecessary to protect these persons.

Section 6 could be read, however, to exclude from the municipality, establishments that are not within five miles by the road distance method but are within five miles by the straight-line method. Also, present county licenses could in the future come within the five mile limit if the municipal boundaries change. Section 6 could be interpreted to require these licenses to remain county licenses. According to Senator Towe, the chief sponsor, the Legislature intended neither of these results.

At the request of Senator Towe, I am proposing to delete Section 6. I urge your concurrence in this amendment.

Governor's Proposed Amendments
to SB 298

1. Page 14, line 24.
Strike: section 6 in its entirety

Sincerely,

Ted Schwinden
Governor

April 2, 1983

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Daniel Kemmis
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Stephens and Representative Kemmis:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 629, "AN ACT TO DEFINE THE TERM 'GENERAL ELECTION' FOR THE PURPOSE OF SUBMISSION TO THE PEOPLE OF LAWS OR CONSTITUTIONAL AMENDMENTS BY THE LEGISLATURE; AMENDING SECTIONS 13-1-101 AND 13-1-104, MCA" without my signature and recommend the attached amendments for the following reasons.

Article III, Section 6 of the Montana Constitution provides that initiatives and referendums must be voted on at a general election unless the legislature orders a special election. Article XIV, Section 8, provides that referendums on Constitutional amendments can be submitted to the people at a general election only.

As passed, House Bill No. 629 defines a general election for initiatives, referendums, and Constitutional referendums as an election held on the first Tuesday after the first Monday in November "unless an earlier date is provided in the law authorizing the ballot issue." This language could be interpreted to authorize a referendum on a Constitutional amendment earlier than the November general election. Such an election would be prohibited by Article XIV, Section 8.

The amendment I am proposing would clarify that only initiative and non-Constitutional referendum ballot issues may be submitted to the voters before the general election.

I urge your concurrence in this amendment.

Governor's Proposed Amendments
to HB 629

1. Page 6, line 25.
Following: "in"
Strike: "the"
Insert: "a"

2. Page 6, line 25.
Following: "authorizing"
Strike: "the ballot issue"
Insert: "a special election on an initiative or referendum pursuant to Article III, section 6"

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate amendments to House bills concurred in: 4/1/83

HB 321, introduced by Seifert, et al.

HB 331, introduced by Pistoria

HB 336, introduced by Fabrega

HB 349, introduced by Spaeth, et al.

HB 363, introduced by Roush

HB 364, introduced by Roush

HB 370, introduced by Sands

HB 373, introduced by Marks, et al.

HB 375, introduced by McBride, et al.

HB 390, introduced by Addy, et al.

HB 391, introduced by Stobie, et al.

HB 424, introduced by Shontz, et al.

HB 427, introduced by Holliday

HB 434, introduced by C. Smith, et al.

HB 437, introduced by Neuman, et al.

HB 441, introduced by Abrams, et al.

HB 449, introduced by Bardanouve

HB 457, introduced by Eudaily

HB 461, introduced by Asay

HB 466, introduced by Eudaily, Lory

HB 472, introduced by D. Brown, et al.

HB 490, introduced by Fabrega

HB 504, introduced by Zabrocki, et al.

HB 506, introduced by Yardley

HB 507, introduced by Hannah, Fagg

HB 522, introduced by Hand, et al.

HB 528, introduced by Bengtson, et al.

HB 539, introduced by C. Smith, et al.

HB 541, introduced by Phillips

HB 548, introduced by Marks, et al.

HB 562, introduced by Harper, et al.

HB 567, introduced by Bertelsen, et al.

HB 572, introduced by Kitselman, et al.

HB 575, introduced by Lory, et al.

HB 578, introduced by Miller

HB 592, introduced by Kitselman, et al.

HB 615, introduced by Holliday, et al.

HB 616, introduced by Holliday, et al.

HB 627, introduced by Dozier

HB 631, introduced by Schultz, et al.

HB 632, introduced by Bliss

HB 642, introduced by Yardley, et al.

HB 653, introduced by Sands

HB 660, introduced by Hansen, Christiaens

HB 673, introduced by Iverson, Manuel

HB 691, introduced by Brand, et al.

HB 701, introduced by Fagg, Menahan

HB 721, introduced by Wallin, et al.

HB 728, introduced by Shontz, et al.

HB 730, introduced by Shontz, et al.

HB 746, introduced by Darko, et al.

HB 786, introduced by D. Brown, et al.

HB 794, introduced by Daily

HB 812, introduced by Shontz, Yardley

HB 851, introduced by Jacobsen, et al.

HB 855, introduced by Ramirez, Spaeth

HB 887, introduced by Marks, Kemmis

HJR 14, introduced by Connelly, et al.

Senate bill concurred in and returned to the Senate: 4/4/83

SB 20, introduced by Goodover

The House, on 4/1/83, failed to concur in Senate amendments to HB 100 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 100.

The Speaker appointed the following members:

Representative Kemmis, Chairman
Representative Fabrega
Representative Vincent

The House, on 4/1/83, failed to concur in Senate amendments to HB 232 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 232.

The Speaker appointed the following members:

Representative Connelly, Chairman
Representative Dozier
Representative Winslow

The House, on 4/1/83, acceded to the request of the Senate and appointed a conference committee to meet with a like committee from the Senate to confer on House amendments to SB 118.

The Speaker appointed the following members:

Representative Ream, Chairman
Representative J. Jensen
Representative Mueller

The House, on 4/1/83, acceded to the request of the Senate and appointed a conference committee to meet with a like committee from the Senate to confer on House amendments to SB 260.

The Speaker appointed the following members:

Representative Addy, Chairman
Representative Hannah
Representative Vincent

The House, on 4/1/83, failed to concur in Senate amendments to HB 281 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 281.

The Speaker appointed the following members:

Representative Dozier, Chairman
Representative Keenan
Representative Smith

The House, on 4/1/83, failed to concur in Senate amendments to HB 377 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 377.

The Speaker appointed the following members:

Representative Ream, Chairman
Representative Fabrega
Representative Nilson

The House, on 4/1/83, failed to concur in Senate amendments to HB 545 and appointed a free conference committee, requesting that the Senate appoint a like committee to confer on HB 545.

The Speaker appointed the following members:

Representative Manuel, Chairman
Representative Bliss
Representative Lybeck

The House, on 4/1/83, failed to concur in Senate amendments to HB 677 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 677.

The Speaker appointed the following members:

Representative Nilson, Chairman
Representative Harper
Representative Iverson

The House, on 4/1/83, failed to concur in Senate amendments to HB 700 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 700.

The Speaker appointed the following members:

Representative Harper, Chairman
Representative Darko
Representative Fabrega

The House, on 4/1/83, failed to concur in Senate amendments to HB 802 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 802.

The Speaker appointed the following members:

Representative D. Brown, Chairman
Representative Bergene
Representative Harper

Governor's amendments to House bills concurred in and returned to the Senate for concurrence in Governor's amendments: 4/1/83

HB 205, introduced by Fabrega, et al.

HB 670, introduced by Fagg, Sands

MOTIONS

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 100. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 232. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 281. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 377. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a free conference committee to confer on HB 545. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 677. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 700. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 802. Motion carried.

Senator Eck moved that the Senate reconsider its action in adopting the adverse committee report on HB 550 and that it be referred to the Committee on Taxation. Motion failed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 22

Noes: Aklestad, Boylan, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 28

Paired: Blaylock, Graham, D. Manning, Regan, Ayes; Aklestad, Galt, Goodover, Shaw, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 237, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Galt, Graham, D. Manning, Shaw.
Total 4

Absent or not voting: Story.
Total 1

SB 280, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 46

Noes: None.
Total 0

Excused: Galt, Graham, D. Manning, Shaw.
Total 4

Absent or not voting: None.
Total 0

SB 289, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.
Total 0

Excused: Galt, Graham, D. Manning, Shaw.
Total 4

Absent or not voting: Keating.
Total 1

SB 292, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Galt, Graham, D. Manning, Shaw.
Total 4

Absent or not voting: None.
Total 0

SB 426, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Galt, Graham, D. Manning, Shaw.
Total 4

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Marbut in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 371 - That House amendments to SB 371 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Galt, Graham, D. Manning, Shaw.
Total 4

Absent or not voting: None.
Total 0

SB 418 - That House amendments to SB 418 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Galt, Graham, D. Manning, Shaw.
Total 4

Absent or not voting: None.
Total 0

SJR 23 - That SJR 23 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 46

Noes: None.
Total 0

Excused: Galt, Graham, D. Manning, Shaw.
Total 4

Absent or not voting: None.
Total 0

HB 667 - That HB 667, without objection, be moved to the bottom of the board.

HB 747 - That consideration on HB 747 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Galt, Graham, D. Manning, Shaw.
Total 4

Absent or not voting: None.
Total 0

HB 870 - That HB 870 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Regan.
Total 1

Excused: Galt, Graham, D. Manning, Shaw.
Total 4

Absent or not voting: None.
Total 0

HB 892 - That HB 892 be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Towe, Van Valkenburg.
Total 27

Noes: Aklestad, Boylan, Dover, Gage, Goodover, Hager, Hammond, Kolstad, Lee, McCallum, Ochsner, Severson, Smith, Tveit, Mr. President.
Total 15

Excused: Galt, Graham, D. Manning, Shaw.
Total 4

Absent or not voting: Stimatz, Story, Thomas, Turnage.
Total 4

HB 907 - That HB 907 be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Smith, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 39

Noes: Aklestad, Boylan, Lynch, Ochsner.
Total 4

Excused: Galt, Graham, D. Manning, Shaw.
Total 4

Absent or not voting: Stimatz, Story, Thomas.
Total 3

HB 667 - That HB 667 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Galt, Graham, D. Manning, Shaw.
Total 4

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Marbut moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 7.

FIRST READING OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SJR 26, introduced by Goodover, Turnage, Lynch, Gage, Keating, Aklestad, Fuller, Christiaens, Thomas. Referred to Committee on Labor and Employment Relations.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):

Correctly enrolled: SB 94, SB 95, SB 114, SB 120, SB 126, SB 394, SR 5.
Examined by the sponsor (Boylan) and found to be correct: SB 120.
Examined by the sponsor (Brown) and found to be correct: SB 394.
Examined by the sponsor (McCallum) and found to be correct: SB 95.
Examined by the sponsor (Regan) and found to be correct: SB 94.
Examined by the sponsor (Smith) and found to be correct: SB 126.
Examined by the sponsor (Thomas) and found to be correct: SB 114.
Examined by the sponsor (Stephens) and found to be correct: SR 5.
Signed by the President at 3:30 p.m., 4/4/83: SB 94, SB 95, SB 114, SB 120, SB 126, SB 394, SR 5.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 3:57 p.m., until Tuesday, April 5, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTY-SIXTH LEGISLATIVE DAY

Helena, Montana
April 5, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Graham, D. Manning, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the seventy-fifth legislative day, find the same to be correct.

Tveit, Chairman

SPECIAL ORDERS OF THE DAY

Colonel Thomas E. Schaefer, former Iranian hostage, addressed the Senate expressing appreciation for the support he received as a hostage.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly engrossed: SJR 23.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on SB 69
Report No. 1, April 4, 1983

Mr. President and Speaker of the House:

We, your free conference committee on SB 69, met April 4, 1983, and considered the amendments of the following committees:

House Committee on Labor and Employment Relations (3/1/83)

House Committee of the Whole (3/3/83)

We recommend that:

The Senate accede to Standing Committee amendment 1.

The Senate accede to Committee of the Whole amendments 1 and 2.

The House recede from Committee of the Whole amendments 3 and 4.

SB 69 be further amended as indicated in clerical instructions 1 and 2.

The reference copy of SB 69 be amended to read as specified in the clerical instructions.

The free conference committee report on SB 69 be adopted.

Clerical Instructions:

1. Page 2, line 4.
Strike: "WHENEVER"
Insert: "A penalty of $40 shall be assessed whenever"

2. Page 2, line 9.

Following: "39-51-1302"
Strike: remainder of line 9 through "COSTS" on line 10

For the Senate:

Senator Aklestad, Chairman
Senator Fuller
Senator Crippen

For the House:

Representative Driscoll, Chairman
Representative Addy
Representative Thoft

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

April 5, 1983

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 68, 194, 244, 281, 295, 384, 413.

Sincerely,

Ted Schwinden
Governor

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

April 5, 1983

The Honorable Daniel Kemmis
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Stephens and Representative Kemmis:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill No. 342, "AN ACT TO CHANGE THE DATE FOR FILING A REPORT FOR GAS OR OIL PIPELINES AND GAS OR OIL NET PROCEEDS FOR TAX PURPOSES FROM MARCH 31 TO APRIL 15; AMENDING SECTIONS 15-23-103, 15-23-104, AND 15-23-602; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE," for the following reasons.

Senate Bill No. 342, as passed by the Legislature, contains inconsistent provisions concerning the due date for oil and gas net proceeds returns. In Section 1 of the bill, oil and gas net proceeds returns are included in those returns to be filed with the Department of Revenue by March 31. In Section 2, the due date for these returns is set at April 15.

The amendments I am proposing will resolve this inconsistency by clearly setting April 15 as the due date for these returns and by clearly providing that this due date applies to all reports or returns filed after December 31, 1982.

I urge your concurrence in this amendment.

Governor's Proposed Amendments
to SB 342

1. Page 1, line 14.

Following: "(2)"
Insert: "and 15-23-602"

2. Page 1, line 16.
Following: "15-23-502,"
Strike: "15-23-602,"

3. Page 4, line 17.
Following: "to"
Strike: "taxable years beginning"
Insert: "reports or returns filed"

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bill passed and transmitted to the Senate for concurrence: 4/4/83

HJR 31, introduced by Williams

Governor's amendments to Senate bill concurred in and returned to the Senate: 4/4/83

SB 82, introduced by Lynch, et al.

The House, on 4/4/83, failed to concur in Senate amendments to HB 191 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 191.

The Speaker appointed the following members:

Representative Addy, Chairman
Representative Farris
Representative Ramirez

The House, on 4/4/83, failed to concur in HB 428 and appointed a free conference committee, requesting that the Senate appoint a like committee to confer on HB 428.

The Speaker appointed the following members:

Representative Peck, Chairman
Representative Eudaily
Representative Hammond

The House, on 4/4/83, failed to concur in HB 663 and appointed a free conference committee, requesting that the Senate appoint a like committee to confer on HB 663.

The Speaker appointed the following members:

Representative Bengtson, Chairman
Representative Farris
Representative Winslow

The House, on 4/4/83, failed to concur in Senate amendments to HB 733 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 733.

The Speaker appointed the following members:

Representative Bengtson, Chairman

Representative Fagg
Representative Harper

The House, on 4/4/83, failed to concur in Senate amendments to HB 750 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 750.

The Speaker appointed the following members:

Representative Dozier, Chairman
Representative Vinger
Representative Williams

The House, on 4/4/83, failed to concur in Senate amendments to HB 846 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 846.

The Speaker appointed the following members:

Representative Brand, Chairman
Representative McBride
Representative Smith

The House, on 4/4/83, failed to concur in Senate amendments to HB 871 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 871.

The Speaker appointed the following members:

Representative Harper, Chairman
Representative Fagg
Representative Schye

The House, on 4/4/83, failed to concur in Senate amendments to HB 880 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 880.

The Speaker appointed the following members:

Representative Metcalf, Chairman
Representative Bergene
Representative Veleber

The House, on 4/1/83, requested the Senate to suspend the rules to allow transmittal of the following House bill, passed on 3/30/83:

HB 23, introduced by Harper, et al.

The House, on 4/1/83, requested the Senate to suspend the rules to allow transmittal of the following House bill, passed on 4/1/83:

HB 407, introduced by J. Brown, et al.

Senate amendments to House bills concurred in: 4/4/83

HB 24, introduced by Keyser

HB 93, introduced by Donaldson, Saunders

HB 172, introduced by Williams, Yardley

HB 193, introduced by Pistoria, et al.

HB 221, introduced by Hannah

HB 279, introduced by J. Hammond, et al.

HB 329, introduced by Shontz

HB 356, introduced by Vincent, et al.

HB 358, introduced by J. Brown, et al.

HB 362, introduced by Sands

HB 399, introduced by Vinger, et al.

HB 444, introduced by Swift, Mueller

HB 465, introduced by Hemstad, Gage

HB 503, introduced by Miller

HB 521, introduced by Vincent

HB 523, introduced by Keyser, et al.

HB 565, introduced by Vinger

HB 576, introduced by Lory, et al.

HB 591, introduced by Nisbet, et al.

HB 625, introduced by McBride, et al.

HB 628, introduced by Harper, O'Connell

HB 662, introduced by Schye, et al.

HB 685, introduced by Harper, et al.

HB 702, introduced by Yardley

HB 715, introduced by Waldron

HB 805, introduced by Waldron

MOTIONS

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 191. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 376. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a free conference committee to confer on HB 428. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a free conference committee to confer on HB 663. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 733. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 750. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 846. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 871. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 880. Motion carried.

The President appointed the following conference committee to confer on Senate amendments to HB 47.

Senator Story, Chairman
Senator Marbut
Senator R. Manning

The President appointed the following conference committee to confer on Senate amendments to HB 53.

Senator Turnage, Chairman
Senator Shaw
Senator Daniels

The President appointed the following conference committee to confer on Senate amendments to HB 100.

Senator Elliott, Chairman
Senator Dover
Senator Van Valkenburg

The President appointed the following conference committee to confer on Senate amendments to HB 119.

Senator Crippen, Chairman
Senator Brown
Senator Daniels

The President appointed the following conference committee to confer on Senate amendments to HB 194.

Senator Marbut, Chairman
Senator Tveit
Senator Jacobson

The President appointed the following free conference committee to confer on HB 259.

Senator Goodover, Chairman
Senator Kolstad
Senator Graham

The President appointed the following conference committee to confer on Senate amendments to HB 299.

Senator Hager, Chairman
Senator Himsl
Senator Christiaens

The President appointed the following conference committee to confer on Senate amendments to HB 319.

Senator McCallum, Chairman
Senator Marbut
Senator Boylan

The President appointed the following conference committee to confer on Senate amendments to HB 376.

Senator Hazelbaker, Chairman
Senator Severson
Senator Conover

The President appointed the following conference committee to confer on Senate amendments to HB 377.

Senator Smith, Chairman
Senator Crippen
Senator Mohar

The President appointed the following conference committee to confer on Senate amendments to HB 408.

Senator Brown, Chairman
Senator Kolstad
Senator Fuller

The President appointed the following conference committee to confer on Senate amendments to HB 429.

Senator Shaw, Chairman
Senator Galt
Senator Halligan

The President appointed the following conference committee to confer on Senate amendments to HB 581.

Senator Turnage, Chairman
Senator Severson
Senator Eck

The President appointed the following conference committee to confer on Senate amendments to HB 606.

Senator Shaw, Chairman
Senator Lee
Senator Thomas

The President appointed the following conference committee to confer on Senate amendments to HB 656.

Senator Goodover, Chairman
Senator Kolstad
Senator Graham

The President appointed the following conference committee to confer on Senate amendments to HB 677.

Senator Turnage, Chairman
Senator Lee
Senator Van Valkenburg

The President appointed the following conference committee to confer on Senate amendments to HB 743.

Senator Brown, Chairman
Senator Gage
Senator Mohar

The President appointed the following conference committee to confer on Senate amendments to HB 770.

Senator McCallum, Chairman

Senator Lee
Senator Boylan

The President appointed the following conference committee to confer on Senate amendments to HB 776.

Senator Lee, Chairman
Senator Etchart
Senator Stimatz

The President appointed the following conference committee to confer on Senate amendments to HB 873.

Senator Marbut, Chairman
Senator Story
Senator Norman

The President appointed the following conference committee to confer on Senate amendments to HB 880.

Senator Hazelbaker, Chairman
Senator Galt
Senator Halligan

The President appointed the following conference committee to confer on Senate amendments to HJR 5.

Senator Goodover, Chairman
Senator Kolstad
Senator Graham

The President appointed the following conference committee to confer on Senate amendments to HJR 19.

Senator Marbut, Chairman
Senator Graham
Senator Hammond

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 1, introduced by Vincent, Haffey, Kemmis, Crippen, Towe, Connelly, J. Jensen, McCormick, Addy, Koehnke, Bengtson, O'Connell, Williams, Shontz, Halligan, Norman, Turnage, Ramirez, Spaeth, Daniels, Stimatz, Dozier, Jacobson, Fuller, Van Valkenburg, Fabrega, McBride, J. Brown, Fagg, Veleber, Harrington, Schye, Metcalf, Peck, Darko, Menahan, Neuman, Kitselman, Miller, Quilici, Hart, Nilson, Bachini, Yardley, Howe, Eck, Manuel, Hand, Waldron, Ernst, Hansen, Kennerly, Zabrocki, Holliday, Roush, Brand, Driscoll, Saunders, Daily, J. Hammond, Ream, Lybeck, Kadas, Nisbet, Thomas, Asay, Harp, Lane, Mazurek, Farris, Mohar, Keenan, Pavlovich, Marks, (By Request of the Governor's Office). Referred to Committee on Finance and Claims.

HB 108, introduced by Manuel, Neuman, McCormick, Hemstad, Lee, Kolstad, Nisbet, Goodover, R. Manning, Bergene, Miller, Christiaens, Fabrega, Berg, O'Connell, Pistoria, Phillips, Bliss, Farris, Nilson, Iverson, Thomas. Referred to Committee on Finance and Claims.

HB 114, introduced by Manuel, Etchart, Boylan, Lynch, Vinger, Nordtvedt, Asay, Harrington. Referred to Committee on Finance and Claims.

HB 153, introduced by Kitselman. Referred to Committee on Finance and Claims.

HB 187, introduced by Menahan, Keenan, Daily, Quilici, Connelly, J. Brown, Vinger, Winslow, J. Jensen, Pavlovich, Addy, Vincent, Darko, Schultz, Saunders, Spaeth, Nisbet, O'Connell, Schye, McBride, Peck, Bachini. Referred to Committee on Finance and Claims.

HB 334, introduced by Roush, Kolstad, Manuel, D. Brown, Holliday, Schye, Zabrocki, Kennerly, Jacobsen, Bachini, Koehnke, Stobie, Ryan, Saunders, J. Jensen, Underdal, Solberg, Neuman, Bliss, Schultz, Asay, Iverson, Lybeck, Hemstad, Menahan, Peck, Vinger, Switzer, Howe, Ernst, Gage, Spaeth, Tveit, Hanson, R. Jensen, Donaldson, Winslow. Referred to Committee on Finance and Claims.

HB 400, introduced by Waldron, Bergene, Ramirez, Regan, Ellison, Jacobson, Vincent, Curtiss, Eck, Fabrega, Bertelsen, Kitselman, Donaldson, Metcalf, Hand, Menahan, Zabrocki, Nordtvedt, Fuller, Halligan, Driscoll, Schultz, Phillips, Hemstad, Farris, Hanson, O'Connell, J. Brown, Darko, Connelly, Hart, Howe, Holliday, Marks, Bengtson, Hansen, McBride, Harp, Asay, Brand, Keyser, Iverson, Kemmis, Eudaily, Lory, Nilson, Harper, Kennerly, Yardley, Harrington, Marbut, Van Valkenburg, Dozier, Manuel, Williams, Ernst, Mueller, Quilici, Keenan, D. Brown, Bardanouve, Nisbet, Ream, Veleber, Addy, Roush, Mohar, Fagg, J. Jensen, Stimatz, Kadas, Schye, J. Hammond, Lynch, Lybeck, (By Request of the Governor's Office). Referred to Committee on Finance and Claims.

HB 405, introduced by Holliday, Galt, Stephens, Dover, Darko, Bergene, Roush, Jacobsen, Keenan, Manuel, J. Hammond, Van Valkenburg, Fuller, Norman, Berg, Halligan, Peck, Kadas, Underdal, Ryan, Devlin, Conover, H. Hammond, Thomas, Marbut, Iverson, Pavlovich, Abrams, Switzer, Eudaily, Lory, Bachini, Kemmis. Referred to Committee on Finance and Claims.

HB 418, introduced by Yardley, McBride, (By Request of the Governor). Referred to Committee on Finance and Claims.

HB 435, introduced by Bardanouve, (By Request of the Office of Budget and Program Planning). Referred to Committee on Finance and Claims.

HB 597, introduced by Schye, Etchart. Referred to Committee on Finance and Claims.

HB 613, introduced by Lory, Donaldson. Referred to Committee on Finance and Claims.

HB 640, introduced by Harrington, Jacobson, Lynch, Quilici, Stimatz, O'Connell, Daily, Keenan, Menahan, Driscoll, Haffey, Pavlovich, McBride, D. Brown, Dozier, Hand, Hazelbaker. Referred to Committee on Finance and Claims.

HB 682, introduced by Shontz, Menahan, Winslow, Story, Aklestad, Regan, (By Request of the Appropriations Subcommittee on Human Services). Referred to Committee on Local Government.

HB 745, introduced by Schye, Peck, Bachini, Bardanouve, Compton, Manuel, Etchart, E. Smith, H. Hammond. Referred to Committee on Finance and Claims.

HB 755, introduced by Yardley, Fabrega, Metcalf, McBride, Schye. Referred to Committee on Taxation.

HB 759, introduced by Menahan, Keenan, Haffey, Pavlovich, Quilici, Daily, Brand, Lynch. Referred to Committee on Finance and Claims.

HB 785, introduced by D. Brown, Addy, Harper, Kemmis, Eck, Fuller, Iverson, Spaeth, Marks, Turnage, Bertelsen. Referred to Committee on Finance and Claims.

HB 793, introduced by Bertelsen. Referred to Committee on Finance and Claims.

HB 800, introduced by Vincent, Fabrega, Bertelsen, Harper, Kemmis. Referred to Committee on Finance and Claims.

HB 815, introduced by Fabrega, Metcalf, Pavlovich, Hart, Kadas, Hansen, Schultz, Lybeck, Nisbet, Ellison, R. Jensen, Kitselman, Saunders, Howe, Ellerd, Bachini, (By Request of the House Committee on Business and Industry). Referred to Committee on Finance and Claims.

HB 819, introduced by Asay, Stimatz, J. Jacobson, Lynch, Graham, Neuman, Manuel, Schye, Roush, Quilici. Referred to Committee on Finance and Claims.

HB 841, introduced by Driscoll, Dozier, Williams, C. Smith, McBride, J. Jensen, Hemstad, Darko, Harrington, Brand, Addy, Neuman, Farris, Seifert, O'Connell, Miller, Hansen, Bergene, Connelly, Ellerd, J. Brown, Thoft, Howe, Hand, McCormick, J. Hammond, Ream, Vincent, Shontz, Keenan, Pavlovich, Christiaens, Spaeth, Menahan, Nisbet, Daily, Jacobson, Saunders, Roush, Hart, Schye, Bengtson, Zabrocki, Kennerly, Harp, Veleber, Hanson, Metcalf, Kemmis, Kitselman, Iverson, (By Request of the House Labor and Employment Committee). Referred to Committee on Taxation.

HB 864, introduced by Connelly, C. Smith, Jones, Harp, Curtiss, Elliott, Lybeck, Ream, Darko, Mueller, J. Hammond, Kadas, Hansen, Seifert, R. Jensen, Veleber, Eck, Eudaily, Lory, Mohar, B. Brown, Van Valkenburg, Severson, Boylan, Wallin, Vincent, Halligan. Referred to Committee on Finance and Claims.

HB 876, introduced by Jacobsen, E. Smith, Etchart, Schye, D. Manning, Tveit, Vinger, Solberg, Ryan, Shontz. Referred to Committee on Finance and Claims.

HB 885, introduced by Jacobsen, Thoft, Bengtson, Underdal, Shaw, Kolstad, Spaeth, Bachini, Aklestad, Keyser, Devlin, Lane, E. Smith, Lee, Tveit, Hager, Stephens, Dover, Ochsner, Stimatz, Abrams, Harp, C. Smith, Koehnke, Peck, Pistoria, O'Connell, Bliss, Mueller, Sales, Swift, Manuel, Saunders, Schye, J. Hammond. Referred to Committee on Finance and Claims.

HB 897, introduced by Neuman, Ochsner, E. Smith, Hemstad, Roush, Keyser, Kennerly, Bertelsen, Manuel, Jacobsen, Nisbet, Schye, Saunders, Driscoll, Bachini, Bliss, Schultz, Miller, Bergene, Ernst, Donaldson, Compton, Iverson, Phillips, Fabrega, Underdal, McCormick, Menahan, Abrams, Spaeth, Holliday, Harper, Lybeck, Harp, Bengtson, Vincent, Nordtvedt, Darko, Winslow, Thoft, (By Request of the Department of Natural Resources and Conservation). Referred to Committee on Finance and Claims.

HB 898, introduced by Bardanouve. Referred to Committee on Finance and Claims.

HB 903, introduced by Fagg, J. Jensen, Saunders, Hannah, Sands, Ramirez, Driscoll, Dozier, Spaeth, Winslow, Kitselman, Ellison, Addy. Referred to Committee on Finance and Claims.

HB 908, introduced by Harper, Bardanouve, Iverson, Vincent, Kemmis, Asay, Fabrega. Referred to Committee on Rules.

HB 909, introduced by Marks, Menahan, Donaldson, Waldron, Fabrega, Bertelsen, Roush, Shontz, Spaeth, Bengtson, Hanson, Hemstad, Schultz, Lane, Holliday, Ochsner, Bergene, Thoft, Ernst, Eudaily, Wallin, Manuel. Referred to Committee on Finance and Claims.

HB 914, introduced by Asay, Spaeth, Williams, Yardley, Saunders, Addy, Ellison, Hager, Iverson. Referred to Committee on Finance and Claims.

HB 919, introduced by Peck, Neuman. Referred to Committee on Finance and Claims.

HB 922, introduced by Fabrega. Referred to Committee on Finance and Claims.

HB 924, introduced by J. Brown. Referred to Committee on Finance and Claims.

HJR 32, introduced by Dozier, Hansen, Vincent. Referred to Committee on Business and Industry.

HJR 35, introduced by Jacobsen, Holliday, Spaeth, Saunders, Bachini, Ernst, Hanson, Lybeck, Roush, Koehnke, Schultz, Bliss, R. Jensen, Underdal, Ryan, Bengtson, Ellerd, (By Request of the House Committee on Agriculture, Livestock and Irrigation). Referred to Committee on Agriculture, Livestock and Irrigation.

HJR 36, introduced by Keyser, Lee, Quilici, Hand, Iverson, J. Hammond, Curtiss, D. Brown, Ramirez, Devlin. Referred to Committee on Agriculture, Livestock and Irrigation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 371, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham, D. Manning.
Total 2

Absent or not voting: None.
Total 0

SB 418, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham, D. Manning.
Total 2

Absent or not voting: None.
Total 0

SJR 23 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Himsl.
Total 1

Excused: Graham, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HB 667 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HB 870 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HB 892 concurred in as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Galt, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 35

Noes: Aklestad, Boylan, Dover, Gage, Goodover, Hammond, Kolstad, Lee, Ochsner, Severson, Shaw, Smith, Tveit.
Total 13

Excused: Graham, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HB 907 concurred in as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Aklestad, Boylan.
Total 2

Excused: Graham, D. Manning.
Total 2

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Berg in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 747 - That HB 747, third reading copy, be amended as follows:

1. Strike: amendment 7

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 40

Noes: Boylan, Halligan, Hammond, Mohar, Norman.
Total 5

Excused: Graham, D. Manning.
Total 2

Absent or not voting: Daniels, Tveit, Mr. President.
Total 3

That HB 747, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Etchart, Fuller, Galt, Goodover, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Kolstad, Lane, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 35

Noes: Boylan, Brown, Crippen, Dover, Elliott, Gage, Jacobson, Keating, Lee, Lynch, Severson, Story.
Total 12

Excused: Graham, D. Manning.
Total 2

Absent or not voting: Hager.
Total 1

SB 40 - That consideration on House amendments to SB 40 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham, D. Manning.
Total 2

Absent or not voting: None.
Total 0

SB 402 - That House amendments to SB 402 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham, D. Manning.
Total 2

Absent or not voting: None.
Total 0

SB 428 - That consideration on House amendments to SB 428 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Shaw.
Total 1

Excused: Graham, D. Manning.
Total 2

Absent or not voting: None.
Total 0

SJR 25 - That SJR 25 do pass. Motion failed as follows:

Ayes: Berg, Brown, Crippen, Daniels, Eck, Elliott, Fuller, Galt, Haffey, Halligan, Hazelbaker, Keating, Kolstad, Lee, R. Manning, Marbut, Mazurek, Ochsner, Regan, Story, Towe, Turnage.
Total 22

Noes: Aklestad, Blaylock, Boylan, Christiaens, Conover, Dover, Etchart, Gage, Goodover, Hammond, Himsl, Jacobson, Lane, Lynch, McCallum, Mohar, Norman, Severson, Smith, Stimatz, Tveit, Mr. President.
Total 22

Excused: Graham, D. Manning.
Total 2

Absent or not voting: Hager, Shaw, Thomas, Van Valkenburg.
Total 4

HB 574 - That consideration on HB 574 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Crippen, Daniels, Dover, Eck, Etchart, Gage, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Lynch, McCallum, Ochsner, Severson, Smith, Stimatz, Turnage.
Total 24

Noes: Blaylock, Christiaens, Conover, Elliott, Fuller, Galt, Goodover, Jacobson, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Shaw, Towe, Tveit, Mr. President.
Total 18

Excused: Graham, D. Manning.
Total 2

Absent or not voting: Boylan, Brown, Hager, Story, Thomas, Van Valkenburg.
Total 6

HB 582 - That HB 582, third reading copy, be amended as follows:

1. Page 2, line 10.
Following: "ore"
Strike: remainder of line 10 through "gas," on line 11

2. Page 2, line 17.
Following: "that is,"
Strike: remainder of line 17 and line 18 in its entirety

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham, D. Manning.
Total 2

Absent or not voting: None.
Total 0

That HB 582, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham, D. Manning.
Total 2

Absent or not voting: None.
Total 0

HB 858 - That HB 858 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Fuller, Gage, Halligan, Hazelbaker, Jacobson, Kolstad, Lane, Lynch, R. Manning, Mazurek, McCallum, Mohar, Norman, Regan, Story, Thomas, Towe.
Total 27

Noes: Dover, Etchart, Hammond, Himsl, Keating, Marbut, Severson, Shaw, Smith, Turnage, Tveit, Mr. President.
Total 12

Excused: Graham, D. Manning.
Total 2

Absent or not voting: Boylan, Galt, Goodover, Haffey, Hager, Lee, Ochsner, Stimatz, Van Valkenburg.
Total 9

HJR 29 - That HJR 29 be concurred in. Motion carried as follows:

Ayes: Berg, Brown, Christiaens, Conover, Crippen, Eck, Elliott, Etchart, Fuller, Gage, Hager, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, R. Manning, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Stimatz, Story, Towe, Turnage, Mr. President.

Total 30

Noes: Aklestad, Blaylock, Daniels, Dover, Hammond, Shaw, Smith, Tveit.
Total 8

Excused: Graham, D. Manning.
Total 2

Absent or not voting: Boylan, Galt, Goodover, Haffey, Halligan, Lee, Marbut, Ochsner, Thomas, Van Valkenburg.
Total 10

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Berg moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Etchart moved that House amendments to SB 428 be taken from second reading and that it be referred to the Committee on Rules for an opinion on whether it requires a two-thirds vote to pass second reading. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Graham, D. Manning.
Total 2

Absent or not voting: None.
Total 0

Senator Regan moved that the rules be temporarily suspended in order to permit the introduction of HB 407. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Galt, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Kolstad, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg.
Total 35

Noes: Aklestad, Dover, Elliott, Etchart, Gage, Goodover, Himsl, Keating, Lee, Severson, Smith, Thomas, Mr. President.
Total 13

Excused: Graham, D. Manning.
Total 2

Absent or not voting: None.
Total 0

Senator Mazurek moved that the rules be temporarily suspended in order to permit the introduction of HB 23. Motion, requiring a two-thirds vote of the Senate, failed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Etchart, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 25

Noes: Aklestad, Dover, Elliott, Gage, Goodover, Hager, Hammond, Himsl, Keating, Kolstad, Lee, Ochsner, Severson, Shaw, Smith, Story, Tveit, Mr. President.
Total 18

Excused: Graham, D. Manning.
Total 2

Absent or not voting: Galt, Hazelbaker, Marbut, McCallum, Turnage.
Total 5

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly enrolled: SB 21, SB 155, SB 166, SB 203, SB 259, SB 320, SB 363, SB 370, SB 415, SJR 3, SJR 7, SJR 17.
Examined by the sponsor (Conover) and found to be correct: SB 415.
Examined by the sponsor (Eck) and found to be correct: SB 166.
Examined by the sponsor (Elliott) and found to be correct: SJR 17.
Examined by the sponsor (Etchart) and found to be correct: SB 370.
Examined by the sponsor (Gage) and found to be correct: SB 320.
Examined by the sponsor (Goodover) and found to be correct: SJR 7.
Examined by the sponsor (Halligan) and found to be correct: SB 21.
Examined by the sponsor (Himsl) and found to be correct: SJR 3.
Examined by the sponsor (Jacobson) and found to be correct: SB 259.
Examined by the sponsor (Mazurek) and found to be correct: SB 363.
Examined by the sponsor (McCallum) and found to be correct: SB 155.
Examined by the sponsor (Towe) and found to be correct: SB 203.
Signed by the President at 4:00 p.m., 4/5/83: SB 21, SB 155, SB 166, SB 203, SB 259, SB 320, SB 363, SB 370, SB 415, SJR 3, SJR 7, SJR 17.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 4:55 p.m., until Wednesday, April 6, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
April 6, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the seventy-sixth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF SELECT COMMITTEES

Conference Committee
on SB 260
Report No. 1, April 5, 1983

Mr. President and Speaker of the House:

We, your conference committee on SB 260, met April 5, 1983, and considered the amendments of the following committees:

House Committee on Judiciary (3/21/83)

We recommend that:

The Senate accede to Standing Committee amendments 1 and 3.

The House recede from Standing Committee amendments 2, 4, and 5.

The conference committee report on SB 260 be adopted.

For the Senate:

Senator Halligan, Chairman
Senator Brown
Senator Mazurek

For the House:

Representative Addy, Chairman
Representative Hannah
Representative Vincent

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

April 6, 1983

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 138, 266.

Sincerely,

Ted Schwinden
Governor

The Honorable Stan Stephens
President of the Senate
State Capitol

April 6, 1983

Helena, Montana 59620

The Honorable Daniel Kemmis
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Stephens and Representative Kemmis:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 426, "AN ACT TO IMPLEMENT ARTICLE XI, SECTION 9(2), OF THE MONTANA CONSTITUTION BY PROVIDING FOR ELECTIONS ON THE QUESTION OF REVIEW OF LOCAL GOVERNMENT AND PROCEDURES FOR THE ESTABLISHMENT AND FUNCTIONING OF LOCAL GOVERNMENT STUDY COMMISSIONS AND FOR THE IMPLEMENTATION OF THEIR RECOMMENDATIONS; AMENDING SECTIONS 7-3-143 AND 7-3-151, MCA," for the following reasons.

As passed, Section 8 of House Bill No. 426 provides that the terms of local government study commissioners end on the day of the vote on the alternative plan. However, Sections 17 and 19 provide that the commission may in its discretion recommend no alternative form of government. If no alternative is recommended, no vote is taken. Section 8, therefore, would allow the commission to continue indefinitely.

The amendment I am proposing would provide that, if a commission recommends no alternative, the commission terminates 30 days after the commission submits its final report.

I urge your concurrence in this amendment.

Governor's Proposed Amendments
to HB 426

1. Page 6, line 4.
Following: "plan."
Insert: "If the commission recommends no alternative plan, the term ends 30 days after submission of the final report in accordance with [section 19]."

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate amendments to House bills concurred in: 4/5/83

HB 343, introduced by Spaeth

HB 357, introduced by Donaldson, et al.

HB 419, introduced by Donaldson, et al.

HB 493, introduced by Yardley, Dover

HB 705, introduced by Spaeth, et al.

HB 714, introduced by Spaeth, et al.

HB 718, introduced by Ream, et al.

HB 720, introduced by Lory

HB 772, introduced by Bengtson, et al.

HB 788, introduced by O'Connell

HB 792, introduced by Winslow

HB 814, introduced by Kadas, et al.

HB 853, introduced by Miller, et al.

HB 856, introduced by Bergene, Vincent

HB 862, introduced by Shontz, et al.

HB 886, introduced by Pavlovich

HJR 11, introduced by Harrington, et al.

Governor's amendments to House bills concurred in and returned to the Senate for concurrence in Governor's amendments: 4/5/83

HB 92, introduced by Stobie, et al.

HB 712, introduced by Nilson, Yardley

The House, on 4/5/83, failed to concur in Senate amendments to HB 749 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 749.

The Speaker appointed the following members:

Representative Keenan, Chairman
Representative Hemstad
Representative Waldron

The House, on 4/5/83, failed to concur in Senate amendments to HB 798 and appointed a free conference committee, requesting that the Senate appoint a like committee to confer on HB 798.

The Speaker appointed the following members:

Representative McBride, Chairman
Representative Bardanouve
Representative Bertelsen

MOTIONS

The President appointed the following conference committee to confer on Senate amendments to HB 191:

Senator Turnage, Chairman
Senator Shaw
Senator Daniels

The President appointed the following conference committee to confer on Senate amendments to HB 232:

Senator Severson, Chairman
Senator Gage
Senator Norman

The President appointed the following conference committee to confer on Senate amendments to HB 281:

Senator Aklestad, Chairman
Senator Keating
Senator Fuller

President Stephens announced a change in the conference committee to confer on Senate amendments to HB 376.

The President appointed the following members:

Senator Hager, Chairman
Senator Brown
Senator Mazurek

The President appointed the following free conference committee to confer on HB 428:

Senator Brown, Chairman
Senator Smith
Senator Blaylock

The President appointed the following free conference committee to confer on HB 545:

Senator Aklestad, Chairman
Senator Kolstad
Senator Conover

The President appointed the following free conference committee to confer on HB 663:

Senator Hager, Chairman
Senator Himsl
Senator Jacobson

The President appointed the following conference committee to confer on Senate amendments to HB 700:

Senator McCallum, Chairman
Senator Hammond
Senator Towe

The President appointed the following conference committee to confer on Senate amendments to HB 733:

Senator Story, Chairman
Senator Hammond
Senator Towe

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 749. Motion carried.

The President appointed the following members:

Senator Aklestad, Chairman
Senator Galt
Senator Lynch

The President appointed the following conference committee to confer on Senate amendments to HB 750:

Senator Goodover, Chairman
Senator Elliott
Senator Eck

Senator Hazelbaker moved that the President be authorized to appoint a free conference committee to confer on HB 798. Motion carried.

The President appointed the following members:

Senator Dover, Chairman
Senator Aklestad
Senator Fuller

The President appointed the following conference committee to confer on Senate amendments to HB 802:

Senator Galt, Chairman
Senator Kolstad
Senator Lane

The President appointed the following conference committee to confer on Senate amendments to HB 846:

Senator Story, Chairman
Senator Marbut
Senator Daniels

The President appointed the following conference committee to confer on Senate amendments to HB 871:

Senator Kolstad, Chairman
Senator Lee
Senator Christiaens

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 692, introduced by Bardanouve. Referred to Committee on Finance and Claims.

HJR 31, introduced by Williams, Towe, Yardley, Shontz, Fabrega, Norman, Bertelsen, Nordtvedt, Turnage, Galt, B. Brown, (By Request of the Revenue Oversight Committee). Referred to Committee on Taxation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 402, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Goodover.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 582 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 747 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Eck, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Kolstad, Lane, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Brown, Crippen, Dover, Elliott, Gage, Jacobson, Keating, Lee, Lynch.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 858 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Kolstad, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 36

Noes: Aklestad, Dover, Elliott, Etchart, Hammond, Himsl, Keating, Lee, Marbut, Ochsner, Shaw, Turnage, Tveit.
Total 13

Excused: None.
Total 0

Absent or not voting: Lane.
Total 1

HJR 29 concurred in as follows:

Ayes: Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 40

Noes: Aklestad, Blaylock, Dover, Halligan, Hammond, Keating, Lee, Story, Van Valkenburg.
Total 9

Excused: None.
Total 0

Absent or not voting: Eck.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator McCallum in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SJR 25 - That SJR 25 do pass. Motion carried as follows:

Ayes: Berg, Brown, Christiaens, Crippen, Eck, Elliott, Fuller, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Kolstad, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Severson, Smith, Stimatz, Story, Towe, Turnage, Van Valkenburg, Mr. President.
Total 31

Noes: Aklestad, Blaylock, Boylan, Conover, Dover, Etchart, Gage, Galt, Hammond, Himsl, Keating, Lane, Lee, McCallum, Ochsner, Shaw.
Total 16

Excused: None.
Total 0

Absent or not voting: Daniels, Thomas, Tveit.
Total 3

SB 40 - That House amendments to SB 40 be not concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 574 - That HB 574 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Boylan.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 141 - That the Governor's amendments to SB 141 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 298 - That the Governor's amendments to SB 298 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 159 - That House amendments to SB 159 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Boylan, Conover, Crippen, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 40

Noes: Blaylock, Christiaens, Daniels, Eck, Halligan, R. Manning, Regan, Towe.
Total 8

Excused: None.
Total 0

Absent or not voting: Brown, D. Manning.
Total 2

SB 201 - That House amendments to SB 201 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 214 - That House amendments to SB 214 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 227 - That House amendments to SB 227 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Shaw.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 249 - That House amendments to SB 249 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Shaw.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 316 - That House amendments to SB 316 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Goodover, Shaw.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 378 - That House amendments to SB 378 be concurred in.

Substitute motion that consideration on House amendments to SB 378 be passed. Motion failed as follows:

Ayes: Aklestad, Dover, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.

Total 23

Noes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Eck, Elliott, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 24

Excused: None.
Total 0

Absent or not voting: Crippen, Keating, Norman.
Total 3

Substitute motion that House amendments to SB 378 be not concurred in. Motion failed as follows:

Ayes: Aklestad, Daniels, Dover, Etchart, Gage, Galt, Goodover, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Ochsner, Shaw, Smith, Turnage, Tveit, Mr. President.
Total 19

Noes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Eck, Elliott, Fuller, Graham, Haffey, Hager, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Stimatz, Story, Thomas, Towe, Van Valkenburg.
Total 31

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That House amendments to SB 378 be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 41

Noes: Aklestad, Etchart, Gage, Galt, Hammond, Ochsner, Smith, Tveit.
Total 8

Excused: None.
Total 0

Absent or not voting: Story.
Total 1

SB 391 - That House amendments to SB 391 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.

Total 48

Noes: Mazurek, Van Valkenburg.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 395 - That House amendments to SB 395 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 410 - That House amendments to SB 410 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 441 - That House amendments to SB 441 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 448 - That House amendments to SB 448 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 205 - That the Governor's amendments to HB 205 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 670 - That the Governor's amendments to HB 670 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman McCallum moved the adoption of the committee report. Report adopted.

At the request of Senator Mazurek, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Mazurek moved that the rules be temporarily suspended in order to introduce HB 23.

Senator Lee made a substitute motion that the Senate table the motion to suspend the rules. Motion failed as follows:

Ayes: Aklestad, Dover, Etchart, Gage, Galt, Himsl, Keating, Lee, Ochsner, Story.
Total 10

Noes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Fuller, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 39

Excused: None.
Total 0

Absent or not voting: Mr. President.
Total 1

The Senate reverted to the motion of Senator Mazurek that the rules be temporarily suspended in order to introduce HB 23. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 39

Noes: Aklestad, Dover, Elliott, Etchart, Goodover, Himsl, Lee, McCallum, Ochsner, Story.
Total 10

Excused: None.
Total 0

Absent or not voting: Mr. President.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):

Correctly enrolled: SB 84, SJR 10.

Examined by the sponsor (Hazelbaker) and found to be correct: SB 84.

Examined by the sponsor (Van Valkenburg) and found to be correct: SJR 10.

Signed by the President at 2:00 p.m., 4/6/83: HB 9, HB 415, HB 495, HB 636, HB 836, HB 872.

Signed by the President at 3:30 p.m., 4/6/83: SB 84, SJR 10.

Delivered to the Governor for his approval at 9:30 a.m., 4/6/83: SB 94, SB 95, SB 114, SB 120, SB 126, SB 224, SB 394.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 4:43 p.m., until Thursday, April 7, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
April 7, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the seventy-seventh legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly engrossed: SJR 25.
Delivered to the Governor for his approval at 8:50 a.m., 4/7/83: SB 287, SB 318.
Delivered to the Governor for his approval at 10:25 a.m., 4/7/83: SB 161.

RULES (Hazelbaker, Chairman):
SB 428, House amendments, failing to pass the House with a two-thirds majority vote, be rejected. Report adopted.
HB 899, received by the Senate after transmittal deadline, be not accepted. Report adopted.
HB 908, third reading copy, be amended as follows:

1. Title, lines 5 through 10.
Following: "AN ACT" on line 5
Strike: remainder of line 5 through "MARKETING" on line 10

2. Title, line 10.
Strike: "PROVIDING AN APPROPRIATION;"

3. Page 21, lines 17 through 22.
Strike: section 11 in its entirety
Renumber: subsequent sections

And, as amended, be referred to the proper committee. Report adopted.

TAXATION (Goodover, Chairman):
HB 716, third reading copy, be amended as follows:

1. Title, line 4.
Following: "AN ACT"
Strike: through "AT A DISCOUNT;" on line 8

2. Title, line 9.
Following: "THE SALE OF"
Strike: "SUCH"
Insert: "COUNTY GENERAL OBLIGATION, MUNICIPAL GENERAL OBLIGATION, AND SCHOOL DISTRICT"

3. Title, line 13.
Following: line 12
Strike: "7-7-2207,"
Following: "7-7-2254,"

Strike: "7-7-4206,"

4. Title, line 14.
Following: "20-9-408,"
Strike: "20-9-410,"

5. Page 1, lines 18 through 24.
Strike: section 1 in its entirety
Renumber: subsequent sections

6. Page 4, line 9.
Following: "not less than"
Strike: "97% of"

7. Page 5, line 13.
Following: "not less than"
Strike: "97% of"

8. Page 6, line 3.
Following: "than"
Strike: "97% of"

9. Page 6, lines 10 through 16.
Strike: section 5 in its entirety
Renumber: subsequent sections

10. Page 8, line 24.
Following: "not less than"
Strike: "97% of"

11. Page 9, line 25.
Following: "not less than"
Strike: "97% of"

12. Page 10, line 15.
Following: "than"
Strike: "97% of"

13. Page 11, line 19 through page 12, line 9.
Strike: section 10 in its entirety
Renumber: subsequent sections

14. Page 13, line 23.
Following: "not less than"
Strike: "97% of"

15. Page 15, line 3.
Following: "not less than"
Strike: "97% of"

16. Page 15, line 22.
Following: "at less than"
Strike: "97% of"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

April 7, 1983

Dear Mr. President:

This is to inform you that I have signed the following measure this date:

Senate bill 224.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 4/6/83

HB 407, introduced by J. Brown, et al.

HB 923, introduced by Fagg, Metcalf

The House, on 4/1/83, requested the Senate to suspend the rules to allow transmittal of the following House bill, passed on 3/30/83:

HB 23, introduced by Harper, et al.

Senate amendments to House bills concurred in: 4/6/83

HB 284, introduced by Winslow, et al.

HB 826, introduced by Ellison

The House, on 4/6/83, acceded to the request of the Senate and appointed a free conference committee to meet with a like committee from the Senate to confer on SB 118.

The Speaker appointed the following members:

Representative Ream, Chairman
Representative J. Jensen
Representative Mueller

The House, on 4/6/83, failed to concur in Senate amendments to HB 373 and appointed a free conference committee, requesting that the Senate appoint a like committee to confer on HB 373.

The Speaker appointed the following members:

Representative Holliday, Chairman
Representative D. Brown
Representative Marks

The House, on 4/6/83, failed to concur in Senate amendments to HB 825 and appointed a free conference committee, requesting that the Senate appoint a like committee to confer on HB 825.

The Speaker appointed the following members:

Representative Schye, Chairman
Representative Addy
Representative Ramirez

Governor's amendments to House bill concurred in and returned to the Senate for concurrence in Governor's amendments: 4/6/83

HB 629, introduced by D. Brown, et al.

MOTIONS

Senator Hazelbaker moved that the President be authorized to dissolve the conference committee on Senate amendments to HB 408 and that he be authorized to appoint a free conference committee. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a free conference committee to confer on HB 373. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a free conference committee to confer on HB 825. Motion carried.

Senator McCallum moved that the rules be temporarily suspended in order to request the House of Representatives to return HB 171 for further consideration. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Aklestad, Elliott, Goodover, Hammond, Ochsner, Shaw.
Total 6

Excused: None.
Total 0

Absent or not voting: Story.
Total 1

Senator Smith moved that House amendments to SB 378 be taken from third reading and that they be referred to second reading. Motion failed as follows:

Ayes: Aklestad, Boylan, Dover, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, D. Manning, McCallum, Ochsner, Severson, Shaw, Smith, Turnage, Tveit.
Total 24

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Fuller, Haffey, Halligan, Jacobson, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 25

Excused: None.
Total 0

Absent or not voting: Story.
Total 1

The President appointed the following free conference committee to confer on HB 825:

Senator Turnage, Chairman
Senator Crippen
Senator Mazurek

The President appointed the following free conference committee to confer on HB 373:

Senator Dover, Chairman
Senator Himsl
Senator Blaylock

The President appointed the following free conference committee to confer on HB 408:

Senator Brown, Chairman
Senator Kolstad
Senator Fuller

Senator Etchart moved that House amendments to SB 428 be not concurred in and that a free conference committee be appointed. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Aklestad, Shaw.
Total 2

Excused: None.
Total 0

Absent or not voting: Lee, Story.
Total 2

SPECIAL ORDERS OF THE DAY

Ron Marlenee, U.S. Congressman from the Eastern Congressional District, presented the following:

Remarks by Ron Marlenee
Before the Senate in Helena
April 7, 1983

I appreciate the courtesy of a few minutes of your time. Because of the mutual endeavor we are committed to, I believe we have an obligation to listen carefully to each other. We are entrusted with a huge responsibility, representing a beautiful and wealthy state and representing a unique and independent people.

Everything you do affects their lives. Everything I do affects them. What you do and I do impacts each other.

Let us examine water and our relationship.

My role is to make absolutely certain that you have the opportunity to write the kind of water law that you as the people's voice want to write. This I did in the Coal Slurry Bill that just passed out of the Interior Committee, of which I am a ranking member. My amendment simply says to the Slurry Company, show me your water permit and then I grant you eminent domain. Your role is to make certain that water is not squandered.

Transportation. Mutually we must forge a chain of restraints against the new robber-barons. When the I.C.C. decided to rollover and play dead it marked the day that we were both obligated to make certain that our economy and our people are not hostages to monopolies of transportation.

The I.C.C. must be forced to address the captive shipper problem we face. I solicit a resolution from you.

We must carefully examine and promote alternatives so that competition can be fairly treated and not threatened. We are at a brink of war with

those who would practice corporate terrorism by branch line abandonment and exorbitant shipping costs.

The working relationship between this Republican and members of both parties in this body has only begun.

The efforts by Senator Tveit to pass a resolution supporting my efforts to keep the Ag Research Station at Sidney open were appreciated. I was able to personally hand the Secretary of Agriculture your message.

I appreciated the opportunity to testify on Senator Swede Hammond's bill on solid waste. Although I could not be here personally, I sent a member of my staff.

Public lands and asset management. We have a unique opportunity to examine the detail of every proposed sale. I oppose the sale of land in the scope and vastness proposed. Not all transactions would be sales. Some would be trades. We must look carefully at each one. Some of the land is in your districts. I invite you to examine carefully these parcels and get back to me with your thoughts.

The maps are now available with the Forest Service and BLM and if I can help you I will also provide any maps you may need if you request them from my office.

Economy. We have 3.4 percent inflation. Interest rates are down. The Index is at 3.6, the highest in 33 years. Housing is up 3% - 93% over last February. We passed the Jobs Training Bill in 1982, and again in 1983 the Jobs Bill, both of which I supported. This will provide up-front money for those who need it the most.

In conclusion, let met say that I have held office for 7 years now. Nearly every day of those 7 years has entailed representing Montana people.

I think you Legislators are doing a tremendous job in the three months or so that you meet. I think you as legislators could utilize the vast resources that we have available, especially now with the Republican leadership. I offer my office to both sides of the aisle.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 7.

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 23, introduced by Harper, Metcalf, Zabrocki, Keenan, O'Connell, J. Brown, McCormick, McBride, Pistoria, Nisbet, Veleber, Hand, Farris, Bachini, Peck, Berg, Mohar, Fuller, Mazurek, R. Manning, Quilici, Lynch, Driscoll, Jacobson, Vincent, J. Hammond, Stimatz, Hemstad, Roush. Referred to Committee on Finance and Claims.

HB 407, introduced by J. Brown, Eck, Hansen, J. Jensen, Regan, Zabrocki, Williams, Connelly, McBride, Veleber, Jacobson, Saunders, Kennerly, Metcalf, Hart, Daily, Harper, Kadas, Darko, Holliday, Vincent, Addy, Pavlovich, Mohar, Howe, Harrington, Keenan, Harp, Nordtvedt, Driscoll, J. Hammond, Pistoria, Spaeth, McCormick, Farris, Schye, Bachini, Nilson, Nisbet, Lybeck, Ream. Referred to Committee on Finance and Claims.

HB 923, introduced by Fagg, Metcalf, (By Request of the House Committee on Business and Industry). Referred to Committee on Rules.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 141, Governor's amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Smith.
Total 1

SB 298, Governor's amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 159, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Blaylock, Halligan, Regan, Towe.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 201, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 214, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 227, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Shaw.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 249, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning,

Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Boylan, Lee, Severson, Shaw.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 316, House amendments, concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Shaw.
Total 1

Excused: None.
Total 0

Absent or not voting: Aklestad.
Total 1

SB 378, House amendments, concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Fuller, Graham, Haffey, Halligan, Hazelbaker, Jacobson, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 33

Noes: Aklestad, Dover, Etchart, Gage, Galt, Goodover, Hager, Hammond, Himsl, Keating, Kolstad, Lee, Ochsner, Severson, Shaw, Smith, Tveit.
Total 17

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 391, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 47

Noes: Mazurek, McCallum, Van Valkenburg.

Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 395, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 410, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 47

Noes: Shaw, Smith, Tveit.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 441, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Thomas.
Total 1

SB 448, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Etchart, Hammond, Keating, Lee, Regan.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 25 passed as follows:

Ayes: Berg, Brown, Christiaens, Crippen, Daniels, Eck, Elliott, Fuller, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 35

Noes: Aklestad, Blaylock, Boylan, Conover, Dover, Etchart, Gage, Galt, Hammond, Himsl, Keating, Ochsner, Shaw, Smith, Tveit.
Total 15

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 205, Governor's amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 670, Governor's amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 574 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Boylan.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Stimatz in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 69 - That the conference committee report on SB 69 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 107 - That House amendments to SB 107 be concurred in.

Substitute motion that House amendments to SB 107 be not concurred in. Motion carried as follows:

Ayes: Aklestad, Boylan, Crippen, Dover, Elliott, Etchart, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Marbut, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Mr. President.
Total 25

Noes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Gage, Graham, Haffey, Halligan, Jacobson, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Regan, Thomas, Towe, Van Valkenburg.
Total 23

Excused: None.
Total 0

Absent or not voting: Brown, Galt.
Total 2

SB 170 - That House amendments to SB 170 be not concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 44

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Brown, Galt, Norman, Story, Turnage, Tveit.
Total 6

SB 186 - That House amendments to SB 186 be concurred in.

Substitute motion that House amendments to SB 186 be not concurred in. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Etchart, Fuller, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, D. Manning, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 36

Noes: Berg, Christiaens, Eck, Elliott, Gage, Lee, R. Manning, Marbut, Mazurek, Smith, Stimatz, Towe.
Total 12

Excused: None.

Total 0

Absent or not voting: Galt, Kolstad.
Total 2

SB 260 - That the conference committee report on SB 260 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 309 - That House amendments to SB 309 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 342 - That the Governor's amendments to SB 342 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 451 - That House amendments to SB 451 be not concurred in. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, D. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Shaw, Stimatz, Story, Thomas, Turnage, Tveit, Mr. President.
Total 39

Noes: Berg, Eck, Lynch, R. Manning, Mohar, Towe, Van Valkenburg.
Total 7

Excused: None.
Total 0

Absent or not voting: Galt, Himsl, Severson, Smith.
Total 4

HB 92 - That the Governor's amendments to HB 92 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 712 - That the Governor's amendments to HB 712 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 107 - That House amendments to SB 107 be segregated from the Committee of the Whole report. Motion carried.

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Stimatz moved the adoption of the committee report, as amended. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Hazelbaker moved that the President be authorized to dissolve the conference committee on Senate amendments to HB 377 and that he be authorized to appoint a free conference committee to confer on HB 377. Motion carried.

The President appointed the following members:

Senator Smith, Chairman
Senator Crippen
Senator Mohar

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Signed by the President at 4:00 p.m., 4/7/83: HB 30, HB 37, HB 83, HB 166, HB 169, HB 199, HB 212, HB 245, HB 250, HB 562.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Conference committee on Senate amendments to HB 53 will meet at 1:30 p.m. on Tuesday, April 12, 1983.

Conference committee on Senate amendments to HB 677 will meet at 11:00 a.m. on Tuesday, April 12, 1983.

Conference committee on Senate amendments to HB 319 will meet at 11:00 a.m. on Friday, April 8, 1983.

Conference committee on Senate amendments to HB 776 will meet at 2:00 p.m. on Tuesday, April 12, 1983.

Conference committee on Senate amendments to HB 880 will meet at 1:30 p.m. on Friday, April 8, 1983.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 4:43 p.m., until Friday, April 8, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

SEVENTY-NINTH LEGISLATIVE DAY

Helena, Montana
April 8, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Daniels, Thomas, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the seventy-eighth legislative day, find the same to be correct.

Tveit, Chairman

Senate recessed at 3:04 p.m.

Senate resumed at 3:30 p.m.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly enrolled: SB 20, SB 82, SB 237, SB 280, SB 289, SB 292, SB 371, SB 402, SB 418, SB 426.
Examined by the sponsor (Fuller) and found to be correct: SB 280, SB 371.
Examined by the sponsor (Goodover) and found to be correct: SB 20, SB 292.
Examined by the sponsor (Halligan) and found to be correct: SB 237.
Examined by the sponsor (Jacobson) and found to be correct: SB 418.
Examined by the sponsor (Lynch) and found to be correct: SB 82.
Examined by the sponsor (Mohar) and found to be correct: SB 402.
Examined by the sponsor (Norman) and found to be correct: SB 289.
Examined by the sponsor (Story) and found to be correct: SB 426.
Signed by the President at 8:10 a.m., 4/8/83: HB 35, HB 231, HB 234, HB 267, HB 363, HB 391, HB 457, HB 461, HB 504, HB 522, HB 539.
Signed by the President at 10:00 a.m., 4/8/83: SB 20, SB 82, SB 237, SB 280, SB 289, SB 292, SB 371, SB 418, SB 426, HB 437, HB 449.
Delivered to the Governor for his approval at 9:15 a.m., 4/8/83: SB 84.
Delivered to the Governor for his approval at 10:30 a.m., 4/8/83: SB 21, SB 155, SB 166, SB 203, SB 259, SB 320, SB 363, SB 370, SB 415.

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
HJR 35, be concurred in. Report adopted.
HJR 36, be concurred in. Report adopted.

LOCAL GOVERNMENT (McCallum, Chairman):
HB 682, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 780, third reading copy, be amended as follows:

1. Title, line 5.
Following: "THE PRODUCTION OF"
Insert: "ALCOHOL TO BE BLENDED FOR"

2. Title, line 8.
Following: line 7
Strike: "SECTION"

Insert: "SECTIONS"
Following: "15-70-204"
Insert: "AND 15-70-221"

3. Page 1, line 13.
Following: "through"
Strike: "13"
Insert: "11"
Following: "cited as the"
Strike: "Gasohol"
Insert: "Alcohol"

4. Page 1, line 16.
Following: "through"
Strike: "13"
Insert: "11"

5. Page 1, line 17.
Following: "production of"
Insert: "alcohol to be blended for"

6. Page 1, line 25.
Following: "through"
Strike: "13"
Insert: "11"

7. Page 3, line 14.
Following: ";"
Insert: "and"

8. Page 3, lines 5 and 6.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

9. Page 3, line 10.
Following: "distributor"
Insert: "and gasohol dealers"

10. Page 3, line 17.
Following: "distributor"
Insert: "or gasohol dealer"

11. Page 3, line 18 through page 4, line 15.
Strike: sections 8 and 9 in their entirety
Renumber: subsequent sections

12. Page 4, line 18.
Following: "alcohol"
Insert: "distilled in Montana"

13. Page 4, line 20.
Following: "as allowed in"
Strike: "[section 11]"
Insert: "15-70-221"

14. Page 4, line 22 through page 5, line 4.
Strike: section 11 in its entirety
Renumber: subsequent sections

15. Page 5, line 5.
Following: line 4
Insert: "Section 9. Tax incentive for production of alcohol. (1) There is a tax incentive payable to alcohol distributors for distilling

alcohol to be blended with gasoline for sale as gasohol provided the alcohol is distilled in Montana from Montana agricultural products. Payment shall be made by the department of revenue out of the amount collected under 15-70-204.

(2) Except as provided in subsection (3) the tax incentive on each gallon of alcohol distilled in accordance with subsection (1) is:

(a) beginning July 1, 1983, 70 cents per gallon;

(b) beginning April 1, 1985, 50 cents per gallon;

(c) beginning April 1, 1986, 30 cents per gallon; and

(d) beginning April 1, 1989 and thereafter there is no tax incentive.

(3) The incentive schedule provided for in subsection (a) shall be modified in response to market conditions as follows:

(a) If for any 2 consecutive calendar quarters ending on or before September 30, 1984, the gallons of gasohol sold comprise 8% or more but less than 11% of the total gallons of nonaviation gasoline and gasohol sold, the tax incentive for alcohol shall be 50 cents per gallon effective beginning the second calendar quarter after the 2 consecutive calendar quarters during which the gallons of gasohol sold comprised 8% or more but less than 11% of the total gallons of nonaviation gasoline and gasohol sold.

(b) If for any 2 consecutive calendar quarters ending on or before September 30, 1986, the gallons of gasohol sold comprise 11% or more but less than 18% of the total gallons of nonaviation gasoline and gasohol sold, the tax incentive for alcohol shall be 30 cents per gallon effective beginning the second calendar quarter after the 2 consecutive calendar quarters during which the gallons of gasohol sold comprised 11% or more but less than 18% of the total gallons of nonaviation gasoline and gasohol sold.

(c) If for any 2 consecutive calendar quarters ending on or before September 30, 1988, the gallons of gasohol sold comprise 18% or more of the total gallons of nonaviation gasoline and gasohol sold, the tax incentive for alcohol shall be eliminated effective beginning the second calendar quarter after the 2 consecutive quarters during which the gallons of gasohol sold comprised 18% or more of the total gallons of nonaviation gasoline and gasohol sold.

(d) Each quarter, the department shall compute the share of the total nonaviation gasoline and gasohol market that is represented by gasohol, according to the information contained in gasoline distributors' returns."

Renumber: subsequent sections

16. Page 5, line 5.
Following: "Application for"
Strike: "refund"
Insert: "payment of tax incentive"

17. Page 5, line 6.
Following: "shall apply for"
Strike: "refund"
Insert: "payment of tax incentive"

18. Page 5, line 8.
Following: "original"

Strike: "bulk delivery invoice or"
Insert: "production records and"

19. Page 5, line 9.
Following: line 8
Strike: "claimant"
Insert: "gasohol dealer"
Following: "the time of"
Strike: "purchase"
Insert: "sale"

20. Page 5, line 10.
Following: "gallons of"
Strike: "gasoline purchased"
Insert: "alcohol sold"

21. Page 5, line 11.
Following: "Application for"
Strike: "refunds"
Insert: "the payment of the tax incentives"

22. Page 5, line 14.
Following: line 13
Insert: "(3) The payment of the tax incentives shall be reduced by the amount of tax provided for in 15-70-204(3) that is due on alcohol to be blended for gasohol."

23. Page 6, line 13.
Following: line 12
Insert: "Alcohol that is blended or is to be blended with gasoline to be sold as gasohol is subject to a tax per gallon equal to the license tax imposed on nonaviation gasoline distributors under subsection (1)."
Strike: line 13 on page 6 through line 15 on page 8

24. Page 8, line 16.
Following: line 15
Insert: "Section 13. Section 15-70-221, MCA, is amended to read:

"15-70-221. Refund authorized. (1) Any person who shall purchase and use any gasoline on which the Montana gasoline license tax has been paid for denaturing alcohol to be used in gasohol or operating or propelling stationary gasoline engines, tractors used off the public highways and streets, or for any commercial use other than propelling vehicles upon any of the public highways or streets of this state shall be allowed a refund of the amount of tax paid directly or indirectly on the gasoline so used. Such refund or drawback should in no instance exceed the tax paid or to be paid to the state and no refund shall be allowed of that portion of the tax per gallon upon aviation gasoline allocated to the department of commerce by 67-1-301.

(2) Any distributor paying the gasoline license tax to this state erroneously shall be allowed a credit or refund of the amount of tax so paid.""

25. Page 8, line 19.
Following: "through"
Strike: "13"
Insert: "11"

26. Page 8, line 22.

Following: line 21
Strike: "13"
Insert: "11"

And, as amended, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on HB 106
Report No. 1, March 29, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 106, met March 29, 1983, and considered the amendments of the following committees:

Senate Committee of the Whole (2/10/83)

We recommend that:

The House accede to Senate Committee of the Whole amendment.

HB 106 be further amended as indicated in clerical instructions 1 and 2.

The reference copy of HB 106 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 106 be adopted.

Clerical Instructions:

1. Page 2, line 20.
Strike: "attorney general shall"
Insert: "county attorney for any county in which a foreign corporation is transacting business without a certificate of authority may"

2. Page 2, line 22.
Following: "."
Insert: "Any money collected in such proceedings shall be paid to the state general fund."

For the Senate:

Senator Lee, Chairman
Senator Boylan
Senator Shaw

For the House:

Representative Roush, Chairman
Representative Pavlovich
Representative Winslow

Conference Committee
on HB 119
Report No. 1, April 7, 1983

Mr. President and Speaker of the House:

We, your conference committee on HB 119, met April 7, 1983, and considered the amendments of the following committees:

Senate Committee on Judiciary (4/7/83)

We recommend that:

The Senate recede from Standing Committee amendment 1.

The House accede to Standing Committee amendment 2.

HB 119 be further amended as indicated in clerical instruction 1.

The reference copy of HB 119 be amended to read as specified in the clerical instructions.

The conference committee report on HB 119 be adopted.

Clerical Instructions:

1. Senate Committee on Judiciary amendments.
Strike: amendment 1

For the Senate:

Senator Crippen, Chairman
Senator Brown
Senator Daniels

For the House:

Representative Addy, Chairman
Representative Farris
Representative Mueller

Free Conference Committee
on HB 408
Report No. 1, April 7, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 408, met April 7, 1983, and considered the amendments of the following committees:

Senate Committee on Highways and Transportation (2/17/83)

We recommend that:

The Senate recede from Standing Committee amendment 1.

HB 408 be further amended as indicated in clerical instruction 1.

The reference copy of HB 408 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 408 be adopted.

Clerical Instructions:

1. Page 1, line 18.
Following: "railroad"
Strike: ","
Insert: ". A caboose is required on all thru-freight, local, and work trains. Provided, however, a caboose is not required on a train operating within railroad yard or switch limits as presently established, or on a thru-freight if not more than 2,000 feet in overall length operating within an Automatic Block Signal System or within Centralized Traffic Control limits."

For the Senate:

Senator Brown, Chairman
Senator Fuller
Senator Kolstad

For the House:

Representative Driscoll, Chairman
Representative Bachini
Representative Schultz

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

April 8, 1983

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 95, 318.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate bills concurred in and returned to the Senate: 4/7/83

SB 454, introduced by Jacobsen, et al.

SJR 24, introduced by Mazurek, Turnage

Conference committee report adopted: 4/7/83

Conference committee report on SB 69

Senate amendments to House bill concurred in: 4/7/83

HB 570, introduced by Williams, Yardley

Senate bills not concurred in and returned to the Senate: 4/8/83

SB 143, introduced by Ochsner, et al.

SB 154, introduced by Keating, et al.

House bill passed and transmitted to the Senate for concurrence: 4/7/83

HB 112, introduced by Donaldson

MOTIONS

Senator Blaylock moved that the Senate reconsider its action in adopting the adverse committee report on HB 899 and that the rules be temporarily suspended in order to consider HB 899. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Daniels, Thomas.
Total 2

Absent or not voting: Lee.
Total 1

Senator Hazelbaker moved that the conference committee on Senate amendments to HB 873 be dissolved and that a free conference committee be appointed to confer on HB 873. Motion carried unanimously.

Senator Hazelbaker moved that the conference committee on Senate amendments to HB 880 be dissolved and that a free conference committee be appointed to confer on HB 880. Motion carried unanimously.

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on House amendments to SB 170. Motion carried.

The President appointed the following members:

Senator Turnage, Chairman
Senator Crippen
Senator Boylan

Senator Hazelbaker moved that the conference committee on Senate amendments to HB 802 be dissolved and that a free conference committee be appointed to confer on HB 802. Motion carried.

The President appointed the following members:

Senator Galt, Chairman
Senator Kolstad
Senator Lane

Senator Hazelbaker moved that the conference committee on Senate amendments to HB 576 be dissolved and that a free conference committee be appointed to confer on HB 576. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a free conference committee to confer on SB 186. Motion carried.

The President appointed the following members:

Senator Keating, Chairman
Senator McCallum
Senator Graham

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on House amendments to SB 40. Motion carried.

The President appointed the following members:

Senator Story, Chairman
Senator Tveit
Senator Stimatz

Senator Hazelbaker moved that the President be authorized to appoint a free conference committee to confer on SB 451. Motion carried.

The President appointed the following members:

Senator Stephens, Chairman
Senator Kolstad
Senator Boylan

The President appointed the following free conference committee to confer on SB 428.

Senator Etchart, Chairman
Senator Hammond
Senator Eck

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 112, introduced by Donaldson, (By Request of the Department of Military Affairs). Referred to Committee on Rules.

HB 908, introduced by Harper, Bardanouve, Iverson, Vincent, Kemmis, Asay, Fabrega. Referred to Committee on Agriculture, Livestock and Irrigation.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 69, conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Daniels, Thomas.
Total 2

Absent or not voting: Eck, D. Manning.
Total 2

SB 260, conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Daniels, Thomas.
Total 2

Absent or not voting: D. Manning, Towe.
Total 2

SB 309, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: None.
Total 0

Excused: Daniels, Thomas.
Total 2

Absent or not voting: Lee, D. Manning, Towe, Turnage.
Total 4

SB 342, Governor's amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover,

Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Daniels, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 92, Governor's amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Shaw.
Total 1

Excused: Daniels, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 712, Governor's amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Shaw.
Total 1

Excused: Daniels, Thomas.
Total 2

Absent or not voting: Mazurek.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Keating in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 107 - That SB 107, without objection, be moved to the bottom of the board.

SB 235 - That House amendments to SB 235 be not concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Daniels, Thomas.
Total 2

Absent or not voting: None.
Total 0

SB 313 - That House amendments to SB 313 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Shaw.
Total 1

Excused: Daniels, Thomas.
Total 2

Absent or not voting: None.
Total 0

SB 335 - That House amendments to SB 335 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Daniels, Thomas.

Total 2

Absent or not voting: None.
Total 0

SB 401 - That House amendments to SB 401 be not concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Daniels, Thomas.
Total 2

Absent or not voting: None.
Total 0

SB 436 - That House amendments to SB 436 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Daniels, Thomas.
Total 2

Absent or not voting: None.
Total 0

SB 439 - That House amendments to SB 439 be not concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Daniels, Thomas.
Total 2

Absent or not voting: None.
Total 0

SB 446 - That consideration on House amendments to SB 446 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Daniels, Thomas.
Total 2

Absent or not voting: None.
Total 0

SB 456 - That House amendments to SB 456 be not concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Daniels, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 716 - That HB 716 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Daniels, Thomas.
Total 2

Absent or not voting: None.
Total 0

HB 629 - That the Governor's amendments to HB 629 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Daniels, Thomas.
Total 2

Absent or not voting: None.
Total 0

SB 107 - That House amendments to SB 107 be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Etchart, Fuller, Gage, Galt, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Aklestad, Elliott, Goodover, Hager.
Total 4

Excused: Daniels, Thomas.
Total 2

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Keating moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Hazelbaker moved that the conference committee on Senate amendments to HB 232 be dissolved and that the President be authorized to appoint a free conference committee to confer on HB 232. Motion carried.

The President appointed the following members:

Senator Severson, Chairman
Senator Gage
Senator Norman

Senator Hazelbaker moved that the President be authorized to appoint a free conference committee to confer on SB 456. Motion carried.

The President appointed the following members:

Senator Gage, Chairman
Senator Crippen
Senator Fuller

Senator Brown moved that the Senate reconsider its action in adopting the free conference committee report on HB 408. Motion carried unanimously.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Signed by the President at 4:30 p.m., 4/8/83: SB 402, HB 126, HB 130, HB 151, HB 182, HB 219, HB 224, HB 228, HB 229, HB 264, HB 273, HB 290, HB 303, HB 336, HB 349, HB 364, HB 375, HB 427, HB 434, HB 441, HB 490, HB 506, HB 507, HB 528, HB 541, HB 660.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Conference committee on Senate amendments to HB 100 will meet at 1:30 p.m. on Tuesday, April 12, 1983.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 4:24 p.m., until Saturday, April 9, 1983, at the hour of 9:00 a.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTIETH LEGISLATIVE DAY

Helena, Montana
April 9, 1983

Senate Chambers
State Capitol

Senate convened at 9:00 a.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Christiaens, McCallum, Thomas, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the seventy-ninth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

STATE ADMINISTRATION (Story, Chairman):
Communication of the Governor, dated February 18, 1983, wherein the names of:

Myron K. Strand, Kalispell, Montana, appointed for a term ending January 1, 1987;

Terry D. Marshall, Billings, Montana, appointed for a term ending January 1, 1987;

were submitted as appointments to the:

Board of Aeronautics.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the name of:

C. R. Ugrin, Miles City, Montana, reappointed for a term ending January 1, 1987;

was submitted as an appointment to the:

Board of Aeronautics.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the name of:

Keith Kelly, Helena, Montana, appointed to serve a term at the pleasure of the Governor;

was submitted as:

Director of the Department of Agriculture.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated March 11, 1983, wherein the name of:

Robert C. Utzinger, Bozeman, Montana, appointed for a term ending March 27, 1986;

was submitted as an appointment to the:

Board of Architects.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the names of:

Jerrell D. Ballas, Missoula, Montana, appointed for a term ending March 27, 1985;

Bonita Blewett Donohue, Great Falls, Montana, reappointed for a term ending July 1, 1985;

were submitted as appointments to the:

Board of Architects.

Respectfully report as follow:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the names of:

D. E. Olsson, Ronan, Montana, reappointed for a term ending July 1, 1984;

John S. Cote, Butte, Montana, appointed for a term ending July 1, 1984;

Earl W. Johnson, Helena, Montana, appointed for a term ending July 1, 1985;

Joe M. Taylor, Missoula, Montana, reappointed for a term ending July 1, 1985;

John C. Witte, Poplar, Montana, appointed for a term ending July 1, 1985;

were submitted as appointments to the:

State Board of Banking.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the names of:

Ed C. Johnston, Helena, Montana, appointed for a term ending October 7, 1984;

Eugene J. Thomas, Anaconda, Montana, appointed for a term ending July 1, 1985;

were submitted as appointments to the:

Board of Barbers.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the names of:

Dr. Carroll E. Albert, Great Falls, Montana, reappointed for a term ending January 9, 1985;

R. G. Glatz, Winnett, Montana, appointed for a term ending October 6, 1984;

were submitted as appointments to the:

Board of Chiropractors.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated February 18, 1983, wherein the name of:

W. Pat Pardis, Dr., Shelby, Montana, appointed for a term ending January 9, 1986;

was submitted as an appointment to the:

Board of Chiropractors.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated February 18, 1983, wherein the names of:

Monty E. Long, Kalispell, Montana, appointed for a term ending January 1, 1987;

Paul H. Palm, Hardin, Montana, reappointed for a term ending January 1, 1987;

Dale Tash, Dillon, Montana, reappointed for a term ending January 1, 1987;

were submitted as appointments to the:

Coal Board.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated February 18, 1983, wherein the names of:

Mike Greely, Helena, Montana, reappointed for a term ending January 1, 1987;

Frank W. Hazelbaker, Dillon, Montana, reappointed for a term ending January 1, 1987;

Jeremiah F. Johnson, Missoula, Montana, reappointed for a term ending January 1, 1987;

Michael Abley, Helena, Montana, reappointed for a term ending January 1, 1987;

Carle F. O'Neil, Columbia Falls, Montana, reappointed for a term ending January 1, 1987;

Donald R. Peoples, Butte, Montana, reappointed for a term ending January 1, 1987;

were submitted as appointments to the:

Board of Crime Control.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated March 11, 1983, wherein the name of:

Mr. John T. Noonan, D.D.S., Great Falls, Montana, appointed for a term ending March 29, 1988;

was submitted as an appointment to the:

Board of Dentistry.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the names of:

Elmer N. Cox, Great Falls, Montana, appointed for a term ending January 4, 1987;

Byron J. Greany, Anaconda, Montana, appointed for a term ending March 29, 1987;

were submitted as appointments to the:

Board of Dentistry.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the names of:

Jerry L. Painter, Great Falls, Montana, appointed for a term ending July 1, 1986;

Edgar Justesen, Glendive, Montana, appointed for a term ending July 1, 1987;

were submitted as appointments to the:

State Electrical Board.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated February 18, 1983, wherein the names of:

Spencer S. Hegstad, Dillon, Montana, reappointed for a term ending January 1, 1987;

Robert A. Jensen, Circle, Montana, appointed for a term ending January 1, 1987;

were submitted as appointments to the:

Fish and Game Commission.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the names of:

James E. Edwards, Anaconda, Montana, appointed for a term ending January 7, 1985;

Duane D. Friez, Glendive, Montana, appointed for a term ending January 7, 1985;

Leonard H. McKinney, Lewistown, Montana, appointed for a term ending January 7, 1985;

Koehler S. Stout, Butte, Montana, appointed for a term ending January 1, 1987;

James A. Tulley, Big Timber, Montana, appointed for a term ending January 1, 1987;

were submitted as appointments to the:

Hard-Rock Mining Impact Board.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated February 18, 1983, wherein the names of:

J. Howard Toole, Missoula, Montana, appointed for a term ending January 1, 1987;

William A. Spoja, Lewistown, Montana, reappointed for a term ending January 1, 1987;

Dr. John F. McGregor, Great Falls, Montana, reappointed for a term ending January 1, 1987;

were submitted as appointments to the:

Board of Health and Environmental Sciences.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the names of:

Dudley Anderson, Missoula, Montana, appointed for a term ending July 1, 1985;

Dr. William J. Simic, Helena, Montana, appointed for a term ending July 1, 1985;

were submitted as appointments to the:

Board of Hearing Aid Dispensers.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the names of:

Gerald T. Archambeault, Glasgow, Montana, reappointed for a term ending January 1, 1987;

Roy Duff, Whitefish, Montana, reappointed for a term ending January 1, 1987;

were submitted as appointments to the:

State Highway Commission.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the names of:

Bruce L. Ennis, Billings, Montana, appointed for a term ending July 1, 1986;

Doris M. Marshall, Helena, Montana, reappointed for a term ending July 1, 1986;

Dale L. McGarvey, Kalispell, Montana, reappointed for a term ending July 1, 1986;

Mrs. Charles Bovey, Great Falls, Montana, reappointed for a term ending July 1, 1987;

Michael P. Malone, Bozeman, Montana, reappointed for a term ending July 1, 1987;

Eric John Myhre, Helena, Montana, reappointed for a term ending July 1, 1987;

were submitted as appointments to the:

Board of Trustees of the State Historical Society.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated February 18, 1983, wherein the names of:

Jack M. McLean, Great Falls, Montana, appointed for a term ending January 1, 1987;

Edward Lien, Wolf Point, Montana, appointed for a term ending January 7, 1985;

Dennis Limberhand, Lame Deer, Montana, appointed for a term ending January 1, 1987;

were submitted as appointments to the:

Human Rights Commission.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated February 18, 1983, wherein the names of:

E. E. Kuhns, Billings, Montana, appointed for a term ending January 1, 1987;

Joseph B. Reber, Helena, Montana, reappointed for a term ending January 1, 1987;

were submitted as appointments to the:

Board of Investments.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the name of:

Frederick B. Tossberg, Hamilton, Montana, appointed for a term ending January 7, 1985;

was submitted as an appointment to the:

Board of Investments.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated February 18, 1983, wherein the name of:

Arlyn L. Plowman, Bozeman, Montana, appointed for a term ending January 1, 1987;

was submitted as an appointment to the:

Board of Labor Appeals.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the names of:

Esther Veramae Hamel, St. Ignatius, Montana, reappointed for a term ending July 1, 1986;

Richard E. Mayer, Helena, Montana, reappointed for a term ending July 1, 1986;

were submitted as appointments to the:

Board of Landscape Architects.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated February 18, 1983, wherein the names of:

Robert Barthelmess, Miles City, Montana, reappointed for a term ending March 1, 1989;

Robert M. Simons, Turner, Montana, reappointed for a term ending March 1, 1989;

were submitted as appointments to the:

Board of Livestock.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the names of:

Jerome M. Kohn, Billings, Montana, appointed for a term ending October 7, 1985;

Beda J. Lovitt, Missoula, Montana, appointed for a term ending October 7, 1985;

Charles D. Parke, Miles City, Montana, reappointed for a term ending October 7, 1986;

M. P. Hamill, Dr., Helena, Montana, appointed for a term ending September 1, 1985;

were submitted as appointments to the:

State Board of Medical Examiners.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the names of:

Rae M. Haas, Helena, Montana, reappointed for a term ending January 1, 1987;

Curtis C. Cook, Hamilton, Montana, reappointed for a term ending January 1, 1987;

were submitted as appointments to the:

Board of Milk Control.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the names of:

Robert M. Cavanaugh, Kalispell, Montana, appointed for a term ending February 1, 1987;

Jessica P. Stickney, Miles City, Montana, appointed for a term ending February 1, 1987;

Preston L. Stiffarm, Harlem, Montana, appointed for a term ending February 1, 1987;

Charles F. Tooley, Billings, Montana, appointed for a term ending February 1, 1987;

Patrick Zentz, Laurel, Montana, appointed for a term ending February 1, 1987;

were submitted as appointments to the:

Montana Arts Council.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated March 11, 1983, wherein the names of:

Sonia M. Hoffman, Helena, Montana, appointed for a term ending February 1, 1988;

Shirley L. Hanson, Havre, Montana, reappointed for a term ending February 1, 1988;

Howard Hunke, Sidney, Montana, reappointed for a term ending February 1, 1988;

Irene Claudette Johnson, Helena, Montana, reappointed for a term ending February 1, 1988;

Susan A. Talbot, Missoula, Montana, reappointed for a term ending February 1, 1988;

were submitted as appointments to the:

Montana Arts Council.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the names of:

Lyman M. Clayton, III, Wolf Point, Montana, appointed for a term ending July 1, 1987;

Jeffrey Sherlock, Helena, Montana, appointed for a term ending July 1, 1987;

were submitted as appointments to the:

Board of Morticians.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the names of:

William A. Shields, Great Falls, Montana, reappointed for a term ending January 1, 1987;

Gordon G. Holte, Plentywood, Montana, reappointed for a term ending January 1, 1987;

were submitted as appointments to the:

Board of Natural Resources and Conservation.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated February 18, 1983, wherein the name of:

Ann Mary Dussault, Missoula, Montana, appointed for a term ending January 1, 1987;

was submitted as an appointment to the:

Board of Natural Resources and Conservation.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the name of:

R. Therese Sullivan, Helena, Montana, reappointed for a term ending July 1, 1986;

was submitted as an appointment to the:

Board of Nursing.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the name of:

Marion Finley, Kalispell, Montana, reappointed for a term ending May 28, 1987;

was submitted as an appointment to the:

Board of Nursing Home Administrators.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated February 18, 1983, wherein the names of:

John Sheehy, Big Sandy, Montana, reappointed for a term ending January 1, 1987;

Richard Campbell, Billings, Montana, reappointed for a term ending January 1, 1987;

were submitted as appointments to the:

Board of Oil and Gas Conservation.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the name of:

James C. Nelson, Cut Bank, Montana, reappointed for a term ending January 1, 1987;

was submitted as an appointment to the:

Board of Oil and Gas Conservation.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated February 18, 1983, wherein the name of:

Thomas M. Keegan, Helena, Montana, appointed for a term ending January 1, 1987;

was submitted as an appointment to the:

Board of Pardons.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the name of:

Anthony J. Francisco, Townsend, Montana, appointed for a term ending July 1, 1985;

was submitted as an appointment to the:

Board of Pharmacists.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the name of:

Thomas G. Larson, Butte, Montana, reappointed for a term ending July 1, 1985;

was submitted as an appointment to the:

Board of Physical Therapy Examiners.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the names of:

Louis Fontana, Great Falls, Montana, reappointed for a term ending July 1, 1986;

James B. Spring, Billings, Montana, appointed for a term ending July 1, 1986;

were submitted as appointments to the:

Board of Professional Engineers and Land Surveyors.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the names of:

William R. Tooley, Jr., Billings, Montana, appointed for a term ending May 4, 1985;

Dan Fraser, Helena, Montana, appointed for a term ending January 6, 1985;

Mitchell Mihailovich, Butte, Montana, appointed for a term ending May 4, 1986;

Kastor Simensen, Wolf Point, Montana, appointed for a term ending May 4, 1986;

were submitted as appointments to the:

Board of Plumbers.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated March 11, 1983, wherein the name of:

Thor A. Jackola, Kalispell, Montana, appointed for a term ending May 4, 1984;

was submitted as an appointment to the:

Board of Plumbers.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the names of:

Janice Anderson, Boulder, Montana, appointed for a term ending October 7, 1984;

Ennola C. Baggenstoss, Choteau, Montana, appointed for a term ending October 7, 1984;

James A. Walsh, Missoula, Montana, appointed for a term ending September 1, 1984;

Phillip L. Russell, Billings, Montana, appointed for a term ending September 1, 1985;

were submitted as appointments to the:

Board of Psychologists.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated February 18, 1983, wherein the name of:

Kay E. Dorr, Dr., Glasgow, Montana, appointed for a term ending September 1, 1983;

was submitted as an appointment to the:

Board of Psychologists.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the name of:

Clinton J. Frazee, Bozeman, Montana, appointed for a term ending July 1, 1985;

was submitted as an appointment to the:

Board of Public Accountants.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the names of:

James A. Graham, Ismay, Montana, appointed for a term ending February 1, 1988;

Arthur R. Schauer, Libby, Montana, reappointed for a term ending February 1, 1989;

were submitted as appointments to the:

Board of Public Education.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated February 18, 1983, wherein the name of:

Theodore B. Hazelbaker, Dillon, Montana, appointed for a term ending February 1, 1990;

was submitted as an appointment to the:

Board of Public Education.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the names of:

John C. Eagleton, Glasgow, Montana, appointed for a term ending January 1, 1985;

Margaret Mothershead, Big Timber, Montana, appointed for a term ending July 1, 1984;

were submitted as appointments to the:

Board of Radiologic Technologists.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the names of:

A. Tom Lund, Sr., Hamilton, Montana, appointed for a term ending May 9, 1985;

George L. Pierce, Billings, Montana, appointed for a term ending May 9, 1986;

were submitted as appointments to the:

Board of Realty Regulation.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the names of:

Elsie J. Redlin, Lambert, Montana, appointed for a term ending February 1, 1984;

Burt L. Hurwitz, White Sulphur Springs, Montana, appointed for a term ending February 1, 1986;

Robert M. Knight, Missoula, Montana, appointed for a term ending February 1, 1989;

were submitted as appointments to the:

Board of Regents of Higher Education.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated March 11, 1983, wherein the names of:

Beatrice C. McCarthy, Anaconda, Montana, appointed for a term ending February 1, 1990;

Darla J. Keck, Havre, Montana, reappointed for a term ending February 1, 1984;

were submitted as appointments to the:

Board of Regents of Higher Education.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the name of:

James M. Peterson, Helena, Montana, appointed for a term ending July 1, 1985;

was submitted as an appointment to the:

Board of Sanitarians.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the name of:

Gerald D. Schultz, Hamilton, Montana, appointed for a term ending January 1, 1985;

was submitted as an appointment to the:

Board of Social and Rehabilitation Services Appeals.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the names of:

Bette J. Hiner, Glendive, Montana, appointed for a term ending December 31, 1984;

Mary Suzanne Bobowiec, Missoula, Montana, appointed for a term ending December 31, 1984;

Floyd J. McDowell, Great Falls, Montana, appointed for a term ending December 31, 1985;

were submitted as appointments to the:

Board of Speech Pathologists and Audiologists.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the name of:

Dennis Hemmer, Helena, Montana, serving at the pleasure of the Governor;

was submitted as:

Commissioner of State Lands.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated February 18, 1983, wherein the name of:

Dale D. Dean, Helena, Montana, appointed for a term ending March 1, 1989;

was submitted as an appointment to the:

State Tax Appeal Board.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the name of:

John J. McGlynn, Butte, Montana, reappointed for a term ending May 18, 1987;

was submitted as an appointment to the:

Board of Veterans' Affairs.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the name of:

Richard L. Smith, Miles City, Montana, appointed for a term ending July 31, 1987;

was submitted as an appointment to the:

Board of Veterinarians.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the name of:

W. J. Lindsay, Clancy, Montana, reappointed for a term ending July 1, 1985;

was submitted as an appointment to the:

Board of Water Well Contractors.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the name of:

Timothy W. Reardon, Helena, Montana, appointed for a term ending July 1, 1987;

was submitted as a:

Workers' Compensation Judge.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor, dated January 6, 1983, wherein the name of:

Gary Blewett, Helena, Montana, serving at the pleasure of the Governor;

was submitted as:

Administrator of the Workers' Compensation Division.

Respectfully report as follows:

That said appointment be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

MOTIONS

Senator Hazelbaker moved that the President be authorized to dissolve the conference committee on Senate amendments to HB 319 and that he be authorized to appoint a free conference committee to confer on HB 319. Motion carried.

The President appointed the following members:

Senator McCallum, Chairman
Senator Boylan
Senator Marbut

Senator Hazelbaker moved that the President be authorized to dissolve the conference committee on Senate amendments to HB 299 and that he be authorized to appoint a free conference committee to confer on HB 299. Motion carried.

SPECIAL ORDERS OF THE DAY

The Senate considered the Governor's appointments for confirmation.

Senator Story moved that the appointment of Myron K. Strand, Kalispell, Montana, appointed for a term ending January 1, 1987; Terry D. Marshall, Billings, Montana, appointed for a term ending January 1, 1987; and C. R. Ugrin, Miles City, Montana, reappointed for a term ending January 1, 1987, to serve at the pleasure of the Governor on the Board of Aeronautics in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Hager, Halligan, Hammond, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Towe, Turnage, Tveit, Van Valkenburg.
Total 38

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: Blaylock, Etchart, Haffey, Hazelbaker, D. Manning, Mazurek, Regan, Story, Mr. President.
Total 9

Senator Story moved that the appointment of Keith Kelly, Helena, Montana, appointed effective January 8, 1983, to serve at the pleasure of the Governor on the Board of Agriculture in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Boylan.
Total 1

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: Blaylock, R. Manning, Mazurek.
Total 3

Senator Story moved that the appointment of Robert C. Utzinger, Bozeman, Montana, appointed for a term ending March 27, 1986; Jerrell D. Ballas, Missoula, Montana, appointed for a term ending March 27, 1985; and Bonita Blewett Donohue, Great Falls, Montana, reappointed for a term ending July 1, 1985, to serve at the pleasure of the Governor on the Board of Architects in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: Lynch.
Total 1

Senator Blaylock moved that the rules be temporarily suspended in order to vote on the remaining confirmations in one group and that the Journal reflect the same vote for each resolution. Motion carried as follows:

Ayes: Berg, Blaylock, Brown, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Severson, Smith, Stimatz, Story, Towe, Turnage, Van Valkenburg, Mr. President.
Total 38

Noes: Aklestad, Boylan, Elliott, Hammond, Hazelbaker, Ochsner, Shaw, Tveit.
Total 8

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: Conover.
Total 1

Senator Story moved that the remaining appointments, with the exception of those appointed to the Board of Personnel Appeals, be approved. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: R. Manning.
Total 1

Senator Story moved that the appointment of Joe M. Taylor, Missoula, Montana, reappointed for a term ending July 1, 1985; Earl W. Johnson, Helena, Montana, appointed for a term ending July 1, 1985; John C. Witte, Poplar, Montana, appointed for a term ending July 1, 1985; D. E. Olsson, Ronan, Montana, reappointed for a term ending July 1, 1984; and John S. Cote, Butte, Montana, appointed for a term ending July 1, 1984, to serve at the pleasure of the Governor on the State Board of Banking in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Eugene J. Thomas, Anaconda, Montana, appointed for a term ending July 1, 1985; and Ed C. Johnston, Helena, Montana, appointed for a term ending October 7, 1984, to serve at the pleasure of the Governor on the Board of Barbers in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Rudolph G. Glatz, Winnett, Montana, appointed for a term ending October 6, 1984; Dr. Carroll E. Albert, Great Falls, Montana, reappointed for a term ending January 9, 1985; and Dr. W. Pat Pardis, Shelby, Montana, appointed for a term ending January 9, 1986, to serve at the pleasure of the Governor on the Board of Chiropractors in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Monty E. Long, Kalispell, Montana, appointed for a term ending January 1, 1987; Paul H. Palm, Hardin, Montana, reappointed for a term ending January 1, 1987; and Dale Tash, Dillon, Montana, reappointed for a term ending January 1, 1987, to serve at the pleasure of the Governor on the Coal Board in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Mike Greely, Helena, Montana, reappointed for a term ending January 1, 1987; Frank W. Hazelbaker, Dillon, Montana, reappointed for a term ending January 1, 1987; Jeremiah F. Johnson, Missoula, Montana, reappointed for a term ending January 1, 1987; Michael Abley, Helena, Montana, reappointed for a term ending January 1, 1987; Carle F. O'Neil, Columbia Falls, Montana, reappointed for a term ending January 1, 1987; and Donald R. Peoples, Butte, Montana, reappointed for a term ending January 1, 1987, to serve at the pleasure of the Governor on the Board of Crime Control in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of John T. Noonan, D.D.S., Great Falls, Montana, appointed for a term ending March 29, 1988; Elmer N. Cox, Great Falls, Montana, appointed for a term ending January 4, 1987; and Dr. Byron J. Greany, Anaconda, Montana, appointed for a term ending March 29, 1987, to serve at the pleasure of the Governor on the Board of Dentistry in accordance with the Senate Resolution, be voted

upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Edgar Justesen, Glendive, Montana, appointed for a term ending July 1, 1987; and Jerry L. Painter, Great Falls, Montana, appointed for a term ending July 1, 1986, to serve at the pleasure of the Governor on the State Electrical Board in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Spencer S. Hegstad, Dillon, Montana, reappointed for a term ending January 1, 1987; and Robert A. Jensen, Circle, Montana, appointed for a term ending January 1, 1987, to serve at the pleasure of the Governor on the Fish and Game Commission in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.

Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of James E. Edwards, Anaconda, Montana, appointed for a term ending January 7, 1985; Leonard H. McKinney, Lewistown, Montana, appointed for a term ending January 7, 1985; Koehler S. Stout, Butte, Montana, appointed for a term ending January 1, 1987; Duane D. Friez, Glendive, Montana, appointed for a term ending January 7, 1985; and James A. Tulley, Big Timber, Montana, appointed for a term ending January 1, 1987, to serve at the pleasure of the Governor on the Hard-Rock Mining Impact Board in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of J. Howard Toole, Missoula, Montana, appointed for a term ending January 1, 1987; William A. Spoja, Lewistown, Montana, reappointed for a term ending January 1, 1987; and Dr. John F. McGregor, Great Falls, Montana, reappointed for a term ending January 1, 1987, to serve at the pleasure of the Governor on the Board of Health and Environmental Sciences in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Dr. William J. Simic, Helena, Montana, appointed for a term ending July 1, 1985; and Dudley Anderson, Missoula, Montana, appointed for a term ending July 1, 1985, to serve at the pleasure of the Governor on the Board of Hearing Aid Dispensers in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Roy Duff, Whitefish, Montana, reappointed for a term ending January 1, 1987; and Gerald T. Archambeault, Glasgow, Montana reappointed for a term ending January 1, 1987, to serve at the pleasure of the Governor on the State Highway Commission in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Doris M. Marshall, Helena, Montana, reappointed for a term ending July 1, 1986; Dale L. McGarvey, Kalispell, Montana, reappointed for a term ending July 1, 1986; Bruce L. Ennis, Billings, Montana, appointed for a term ending July 1, 1986; Michael P. Malone, Bozeman, Montana, reappointed for a term ending July 1, 1987; Mrs. Charles A. Bovey, Great Falls, Montana, reappointed for a term ending July 1, 1987; and Eric John Myhre, Helena, Montana, reappointed for a term ending July 1, 1987, to serve at the pleasure of the Governor on the Board of Trustees of the State Historical Society in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Jack M. McLean, Great Falls, Montana, appointed for a term ending January 1, 1987; Edward Lien, Wolf Point, Montana, appointed for a term ending January 7, 1985; and Dennis Limberhand, Lame Deer, Montana, appointed for a term ending January 1, 1987, to serve at the pleasure of the Governor on the Human Rights Commission in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of E. E. Kuhns, Billings, Montana, appointed for a term ending January 1, 1987; Joseph B. Reber, Helena, Montana, reappointed for a term ending January 1, 1987; and Frederick B. Tossberg, Hamilton, Montana, appointed for a term ending January 7, 1985, to serve at the pleasure of the Governor on the Board of Investments in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Arlyn L. Plowman, Bozeman, Montana, appointed for a term ending January 1, 1987, to serve at the pleasure of the Governor on the Board of Labor Appeals in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Esther Veramae Hamel, St. Ignatius, Montana, reappointed for a term ending July 1, 1986; and Richard E. Mayer, Helena, Montana, reappointed for a term ending July 1, 1986, to serve at the pleasure of the Governor on the Board of Landscape Architects in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Robert Barthelmess, Miles City, Montana, reappointed for a term ending March 1, 1989; and Robert M. Simons, Turner, Montana, reappointed for a term ending March 1, 1989, to serve at the pleasure of the Governor on the Board of Livestock

in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Jerome M. Kohn, Billings, Montana, appointed for a term ending October 7, 1985; Beda J. Lovitt, Missoula, Montana, appointed for a term ending October 7, 1985; Dr. Charles Parke, Miles City, Montana, reappointed for a term ending October 7, 1986; and Dr. Maurice P. Hamill, Helena, Montana, appointed for a term ending September 1, 1985, to serve at the pleasure of the Governor on the State Board of Medical Examiners in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Rae M. Haas, Helena, Montana, reappointed for a term ending January 1, 1987; and Curtis C. Cook, Hamilton, Montana, reappointed for a term ending January 1, 1987, to serve at the pleasure of the Governor on the Board of Milk Control in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Jessica P. Stickney, Miles City, Montana, appointed for a term ending February 1, 1987; Patrick Zentz, Laurel, Montana, appointed for a term ending February 1, 1987; Robert M. Cavanaugh, Kalispell, Montana, appointed for a term ending February 1, 1987; Preston L. Stiffarm, Harlem, Montana, appointed for a term ending February 1, 1987; Charles F. Tooley, Billings, Montana, appointed for a term ending February 1, 1987; Sonia M. Hoffman, Helena, Montana, appointed for a term ending February 1, 1988; Shirley L. Hanson, Havre, Montana, reappointed for a term ending February 1, 1988; Howard Hunke, Sidney, Montana, reappointed for a term ending February 1, 1988; Irene Claudette Johnson, Helena, Montana, reappointed for a term ending February 1, 1988; and Susan A. Talbot, Missoula, Montana, reappointed for a term ending February 1, 1988, to serve at the pleasure of the Governor on the Montana Arts Council in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Lyman M. Clayton, III, Wolf Point, Montana, appointed for a term ending July 1, 1987; and Jeffrey M. Sherlock, Helena, Montana, appointed for a term ending July 1, 1987, to serve at the pleasure of the Governor on the Board of Morticians in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of William A. Shields, Great Falls, Montana, reappointed for a term ending January 1, 1987; Gordon G. Holte, Plentywood, Montana, reappointed for a term ending January 1, 1987; and Ann Mary Dussault, Missoula, Montana, appointed for a term ending January 1, 1987, to serve at the pleasure of the Governor on the Board of Natural Resources and Conservation in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of R. Therese Sullivan, Helena, Montana, reappointed for a term ending July 1, 1986, to serve at the pleasure of the Governor on the Board of Nursing in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Marion Finley, Kalispell, Montana, reappointed for a term ending May 28, 1987, to serve at the pleasure of the Governor on the Board of Nursing Home Administrators

in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of John Sheehy, Big Sandy, Montana, reappointed for a term ending January 1, 1987; Richard Campbell, Billings, Montana, reappointed for a term ending January 1, 1987; and James C. Nelson, Cut Bank, Montana reappointed for a term ending January 1, 1987, to serve at the pleasure of the Governor on the Board of Oil and Gas Conservation in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Thomas M. Keegan, Helena, Montana, appointed for a term ending January 1, 1987, to serve at the pleasure of the Governor on the Board of Pardons in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Anthony J. Francisco, Townsend, Montana, appointed for a term ending July 1, 1985, to serve at the pleasure of the Governor on the Board of Pharmacists in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Thomas G. Larson, Butte, Montana, reappointed for a term ending July 1, 1985, to serve at the pleasure of the Governor on the Board of Physical Therapy Examiners in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Louis Fontana, Great Falls, Montana, reappointed for a term ending July 1, 1986; and James B. Spring, Billings, Montana, appointed for a term ending July 1, 1986, to serve at the pleasure of the Governor on the Board of Professional Engineers and Land Surveyors in accordance with the Senate Resolution, be

voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of William R. Tooley, Jr., Billings, Montana, appointed for a term ending May 4, 1985; Mitchell Mihailovich, Butte, Montana, appointed for a term ending May 4, 1986; Dan L. Fraser, Helena, Montana, appointed for a term ending January 6, 1985; Kastor Simensen, Wolf Point, Montana, appointed for a term ending May 4, 1986; and Thor A. Jackola, Kalispell, Montana, appointed for a term ending May 4, 1984, to serve at the pleasure of the Governor on the Board of Plumbers in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Janice Anderson, Boulder, Montana, appointed for a term ending October 7, 1984; Ennola C. Baggenstoss, Choteau, Montana, appointed for a term ending October 7, 1984; Phillip L. Russell, Billings, Montana, appointed for a term ending September 1, 1985; James A. Walsh, Missoula, Montana, appointed for a term ending September 1, 1984; and Dr. Kay E. Dorr, Glasgow, Montana, appointed for a term ending September 1, 1983, to serve at the pleasure of the Governor on the Board of Psychologists in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover,

Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Clinton J. Frazee, Bozeman, Montana, appointed for a term ending July 1, 1985, to serve at the pleasure of the Governor on the Board of Public Accountants in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Arthur R. Schauer, Libby, Montana, reappointed for a term ending February 1, 1989; James A. Graham, Ismay, Montana, appointed for a term ending February 1, 1988; and Theodore B. Hazelbaker, Dillon, Montana, appointed for a term ending February 1, 1990, to serve at the pleasure of the Governor on the Board of Public Education in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Margaret Mothershead, Big Timber, Montana, appointed for a term ending July 1, 1984; and John C. Eagleton, Glasgow, Montana, appointed for a term ending January 1, 1985, to serve at the pleasure of the Governor on the Board of Radiologic Technologists in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of A. Tom Lund, Sr., Hamilton, Montana, appointed for a term ending May 9, 1985; and George L. Pierce, Billings, Montana, appointed for a term ending May 9, 1986, to serve at the pleasure of the Governor on the Board of Realty Regulation in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Elsie J. Redlin, Lambert, Montana, appointed for a term ending February 1, 1984; Burt L. Hurwitz, White Sulphur Springs, Montana, appointed for a term ending February 1, 1986; Robert M. Knight, Missoula, Montana, appointed for a term ending February 1, 1989; Beatrice C. McCarthy, Anaconda, Montana, appointed for a term ending February 1, 1990; and Darla J. Keck, Havre, Montana, reappointed for a term ending February 1, 1984, to serve at the pleasure of the Governor on the Board of Regents of Higher Education in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.

Senator Story moved that the appointment of James M. Peterson, Helena, Montana, appointed for a term ending July 1, 1985, to serve at the pleasure of the Governor on the Board of Sanitarians in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Gerald D. Schultz, Hamilton, Montana, appointed for a term ending January 1, 1985, to serve at the pleasure of the Governor on the Board of Social and Rehabilitation Services Appeals in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.

Total 0

Senator Story moved that the appointment of Mary Suzanne Bobowiec, Missoula, Montana, appointed for a term ending December 31, 1984; Floyd J. McDowell, Great Falls, Montana, appointed for a term ending December 31, 1985; and Bette J. Hiner, Glendive, Montana, appointed for a term ending December 31, 1984, to serve at the pleasure of the Governor on the Board of Speech Pathologists and Audiologists in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Dennis Hemmer, Helena, Montana, to serve at the pleasure of the Governor as Commissioner of the Department of State Lands in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Dale D. Dean, Helena, Montana, appointed for a term ending March 1, 1989, to serve at the pleasure of the Governor on the State Tax Appeal Board in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning,

Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of John J. McGlynn, Butte, Montana, reappointed for a term ending May 18, 1987, to serve at the pleasure of the Governor on the Board of Veterans' Affairs in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Richard L. Smith, Miles City, Montana, appointed for a term ending July 31, 1987, to serve at the pleasure of the Governor on the Board of Veterinarians in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of W. J. Lindsay, Clancy, Montana, reappointed for a term ending July 1, 1985, to serve at the pleasure of the Governor on the Board of Water Well Contractors in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Timothy W. Reardon, Helena, Montana, appointed for a term ending July 1, 1987, to serve at the pleasure of the Governor as a Workers' Compensation Judge in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Gary Blewett, Helena, Montana, to serve at the pleasure of the Governor as Administrator of the Workers' Compensation Division in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Etchart in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 119 - That the conference committee report on HB 119 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

HB 106 - That the free conference committee report on HB 106 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Christiaens, McCallum, Thomas.
Total 3

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Etchart moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on HB 802
Report No. 1, April 9, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 802, met April 9, 1983, and considered the amendments of the following committees:

Senate Committee on Agriculture, Livestock and Irrigation (3/16/83)

Senate Committee of the Whole (3/22/83)

We recommend that:

The House accede to Committee of the Whole amendment and to Standing Committee amendments 1 through 5, 7 through 12, 15 through 18, 20, 21, and 24 through 37.

The Senate recede from Standing Committee amendments 6, 13, 14, 19, 22, and 23.

HB 802 be further amended as indicated in clerical instructions 1 through 7.

The reference copy of HB 802 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 802 be adopted.

Clerical Instructions:

1. Senate Standing Committee amendments.
Strike: amendments 6, 13, 14, 19, 22, and 23

2. Page 8, line 19.
Strike: "$20"
Insert: "$50"

3. Page 13, line 8.
Strike: "$20"
Insert: "$35"

4. Page 13, line 10.
Strike: "$15"
Insert: "$20"

5. Page 15, line 16.
Strike: "$20"
Insert: "$35"

6. Page 15, line 19.
Strike: "$15"
Insert: "$25"

7. Page 15, line 25.

Strike: "$20"
Insert: "$35"

For the Senate:

Senator Galt, Chairman
Senator Kolstad
Senator Lane

For the House:

Representative D. Brown, Chairman
Representative Bergene
Representative Harper

Free Conference Committee
on HB 408
Report No. 1, April 8, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 408, met April 8, 1983, and considered the amendments of the following committees:

Senate Committee on Highways and Transportation (2/17/83)

We recommend that:

The Senate recede from Standing Committee amendment 1.

HB 408 be further amended as indicated in clerical instruction 2.

The reference copy of HB 408 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 408 be adopted.

Clerical Instructions:

1. Senate Standing Committee amendments.
Strike: amendment 1

2. Page 1, line 18.
Following: "railroad"
Insert: ". A caboose is required on all thru-freight, local, and work trains. Provided however, a caboose is not required on a train operating within railroad yard or switch limits as presently established, or on a thru-freight if not more than 2,000 feet in overall length operating within an Automatic Block Signal System or within Centralized Traffic Control limits"

For the Senate:

Senator Brown, Chairman
Senator Fuller
Senator Kolstad

For the House:

Representative Driscoll, Chairman
Representative Bachini
Representative Schultz

Free Conference Committee
on HB 663
Report No. 1, April 8, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 663, met April 8, 1983, and considered the amendments of the following committees:

Senate Committee on Public Health, Welfare and Safety (3/23/83)

We recommend that:

The House accede to Standing Committee amendments 1, 2, 3, and 4.

HB 663 be further amended as indicated in clerical instructions 1 and 2.

The reference copy of HB 663 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 663 be adopted.

Clerical Instructions:

1. Page 2, line 12.
Following: "grandfathered"
Insert: "— exception"

2. Page 2, line 14.
Following: "4 years."
Insert: "However, the department may accept and consider requests from such existing planning and service areas that the requesting area be divided into two new areas and may grant one request and divide the area into two new areas. If the department grants a request and divides the requesting area into two new areas, this section's grandfather clause applies to the two new areas."

For the Senate:

Senator Hager, Chairman
Senator Himsl
Senator Jacobson

For the House:

Representative Bengtson, Chairman
Representative Farris
Representative Winslow

Conference Committee
on HB 743
Report No. 1, April 8, 1983

Mr. President and Speaker of the House:

We, your conference committee on HB 743, met April 8, 1983, and considered the amendments of the following committees:

Senate Committee on Agriculture, Livestock and Irrigation (3/8/83)

We recommend that:

The House accede to Standing Committee amendments 1 through 3.

The conference committee report on HB 743 be adopted.

For the Senate:

Senator Brown, Chairman
Senator Gage
Senator Mohar

For the House:

Representative Lybeck, Chairman
Representative Connelly
Representative Curtiss

Free Conference Committee
on HB 825
Report No. 1, April 8, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 825, met April 8, 1983, and considered the amendments of the following committees:

Senate Committee on Judiciary (3/18/83)

We recommend that:

The House accede to Standing Committee amendments.

HB 825 be further amended as indicated in clerical instructions 1 and 2.

The reference copy of HB 825 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 825 be adopted.

Clerical Instructions:

1. Page 5, line 17.
Following: "COURT"
Insert: ", sitting without a jury,"

2. Page 10, line 3.
Following: "CONSIDERATION."
Insert: "The preliminary condemnation proceeding shall be tried by the court sitting without a jury."

For the Senate:

Senator Turnage, Chairman
Senator Crippen
Senator Mazurek

For the House:

Representative Schye, Chairman
Representative Addy
Representative Ramirez

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

April 7, 1983

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 114, 120, 126, 394.

Sincerely,

Ted Schwinden
Governor

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 9:52 a.m., until Monday, April 11, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTY-FIRST LEGISLATIVE DAY

Helena, Montana
April 11, 1983

Senate Chambers
State Capitol

Senate convened at 3:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the eightieth legislative day, find the same to be correct.

Tveit, Chairman

SPECIAL ORDERS OF THE DAY

The Full Time Enjoyment from the Missoula Chapter of the Sweet Adelines sang for the Senate.

Senate recessed for the purpose of party caucuses at 3:14 p.m.

Senate resumed at 4:20 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):

Signed by the President at 5:00 p.m., 4/9/83: HB 24, HB 93, HB 172, HB 222, HB 266, HB 277, HB 293, HB 321, HB 331, HB 370, HB 390, HB 424, HB 466, HB 472, HB 548, HB 567, HB 575, HB 578, HB 592.

Signed by the President at 5:30 p.m., 4/9/83: HB 615, HB 616, HB 627, HB 631, HB 632, HB 642, HB 653, HB 691, HB 701, HB 721, HB 728, HB 730, HB 786, HB 794, HB 812, HB 851, HB 855, HB 887, HJR 14.

Delivered to the Governor for his approval at 10:30 a.m., 4/9/83: SB 20, SB 82, SB 237, SB 280, SB 289, SB 292, SB 371, SB 418, SB 426.

Delivered to the Governor for his approval at 11:15 a.m., 4/11/83: SB 402.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):

Respectfully report as follows:

That the following attaches of the Senate be employed as of 8:00 a.m. on Monday, April 11, 1983:

Ray A. Curtis, Jr. ..... Page
Michael J. Gasvoda ..... Page
Kristin A. Heimburg ..... Page
"K.J." Johns ..... Page
Angela Joyce ..... Page
Lisa Lewis ..... Page
Susie J. Mathre ..... Page
D'Ann Tintinger ..... Page

And that the following attaches of the Senate be terminated as of 5:00 p.m. on Saturday, April 9, 1983:

Cindee L. Bachman ..... Page

Jess R. Berg.....Page
Eric P. Bjorgum.....Page
Crista L. Cady.....Page
Michelle Miller.....Page
WaNell F. Smith.....Page
Julie A. Thurnau.....Page
Pat M. Walsh.....Page
Rhonda DeMato.....Steno

And that the following attache of the Senate be terminated as of 5:00 p.m. on Friday, March 18, 1983:

Vicki Nordtvedt.....Committee Secretary

Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 435, third reading copy, be amended as follows:

1. Page 4, line 18.
Following: line 17
Insert: "Board of Medical Examiners $14,347 Earmarked Revenue"

And, as amended, be concurred in. Report adopted.

RULES (Hazelbaker, Chairman):
That the Senate suspend the rules to allow HB 112 and HB 923 to be accepted by the Senate and that the President assign the bills to the proper committees.

TAXATION (Goodover, Chairman):
HB 16, third reading copy, be amended as follows:

1. Title, line 7.
Following: "RATES ~~3.5~~"
Strike: "3"
Insert: "6"

2. Title, line 8.
Following: "July 1, 1983"
Strike: remainder of line 8 through "1985" on line 9

3. Page 2, line 4.
Following: "additional ~~3.5~~"
Strike: "3"
Insert: "6"

4. Page 2, line 5.
Following: "July 1, 1983,"
Strike: remainder of line 5 through "1985," on line 6

5. Page 2, line 7.
Following: "additional ~~3.5~~"
Strike: "3"
Insert: "6"

6. Page 2, line 8.
Following: "July 1, 1983"
Strike: remainder of line 8 through "1985" on line 9

7. Page 2, line 19.
Following: "and 8 ~~12.5~~"
Strike: "12"

Insert: "15"
Following: "cents"
Strike: remainder of line 19 through "THEREAFTER," on line 20

8. Page 3, line 18.
Following: "~~14.5~~"
Strike: "14"
Insert: "17"
Following: "cents"
Strike: remainder of line 18 through "THEREAFTER," on line 19

9. Page 4, line 17.
Following: "~~$6,500,000~~"
Strike: "$9,000,000"
Insert: "$14,000,000"

10. Page 4, line 24.
Following: "~~$2,950,000~~"
Strike: "$4,085,000"
Insert: "$6,350,000"

11. Page 5, line 12.
Following: "~~$3,550,000~~"
Strike: "$4,915,000"
Insert: "$7,650,000"

And, as amended, be concurred in. Report adopted.

HB 511, be concurred in. Report adopted.
HB 637, third reading copy, be amended as follows:

1. Title, line 5.
Following: "USE A"
Strike: "CAPITALIZED NET INCOME"
Insert: "CERTAIN"

2. Title, line 6.
Strike: "METHODOLOGY"
Insert: "METHOD"

3. Title, lines 6 through 8.
Following: "LAND;" on line 6
Strike: remainder of line 6 through "RULES;" on line 8

4. Page 1, line 21 through page 2, line 4.
Strike: subsections (2) and (3) in their entirety
Insert: "(2) Agricultural land shall be classified according to its use, which classifications shall include but not be limited to irrigated use, nonirrigated use, and grazing use.

(3) Within each class, land shall be assessed at a value that is fairly based on its ability to produce, taking into consideration the classification system in existence on [effective date of this act], provided, however, the department may consolidate tillable irrigated land classes. With relation to irrigated land, water costs shall be taken into consideration, except at no time may the resulting value of irrigated land be reduced below the value such land would have if it were not irrigated.

(4) Capital costs such as improved water distribution, fertilizer, and land shaping that increase productivity shall not be used in determining assessed values."

5. Page 2, lines 6 through 7.
Strike: ", except the addition of subsection (3) to 15-7-201,"

6. Page 2, line 8.
Strike: subsection (2) in its entirety

And, as amended, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on HB 319
Report No. 1, April 9, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 319, met April 9, 1983, and considered the amendments of the following committees:

Senate Committee on Local Government (3/10/83)

Senate Committee of the Whole (3/12/83)

We recommend that:

The House accede to Standing Committee amendments 1, 3 through 6, and 8 through 19.

The House accede to Committee of the Whole amendment 1.

The Senate recede from Standing Committee amendments 2 and 7.

HB 319 be further amended as indicated in clerical instructions 2 through 4.

The reference copy of HB 319 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 319 be adopted.

Clerical Instructions:

1. Senate Standing Committee amendments.
Strike: amendments 2 and 7

2. Title.
Following: line 6
Insert: "ORGANIZE COUNTY VOLUNTEER FIRE COMPANIES AND"

3. Page 2, line 6.
Following: "SHALL"
Insert: "(a)"

4. Page 2, line 8.
Following: "crews"
Insert: "; and (b) provide for the formation of county volunteer fire companies"

For the Senate:

Senator McCallum, Chairman
Senator Boylan
Senator Marbut

For the House:

Representative Manuel, Chairman
Representative Roush
Representative Stobie

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens April 9, 1983

President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 94, 237.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Governor's amendments to House bill concurred in and returned to the Senate for concurrence in Governor's amendments: 4/8/83

HB 426, introduced by Bertelsen

House bill passed and transmitted to the Senate for concurrence: 4/8/83

HJR 38, introduced by Bardanouve, Marks, Turnage

Conference committee report adopted: 4/8/83

Conference committee report on House amendments to SB 260

The House, on 4/7/83, failed to concur in Senate amendments to HB 540 and appointed a free conference committee, requesting that the Senate appoint a like committee to confer on HB 540.

The Speaker appointed the following members:

Representative Addy, Chairman
Representative Keyser
Representative Vincent

The House, on 4/8/83, receded from House amendments to SB 317.

The House, on 4/8/83, dissolved the conference committee on HB 232 and appointed a free conference committee to meet with a like committee from the Senate to confer on HB 232.

The Speaker appointed the following members:

Representative Connelly, Chairman
Representative Dozier
Representative Winslow

The House, on 4/8/83, dissolved the conference committee on HB 376 and appointed a free conference committee to meet with a like committee from the Senate to confer on HB 376.

The Speaker appointed the following members:

Representative McBride, Chairman
Representative Harrington
Representative Winslow

The House, on 4/7/83, dissolved the conference committee on HB 377 and appointed a free conference committee to meet with a like committee from the Senate to confer on HB 377.

The Speaker appointed the following members:

Representative Ream, Chairman
Representative Fabrega
Representative Nilson

The House, on 4/7/83, dissolved the conference committee on HB 408 and appointed a free conference committee to meet with a like committee from the Senate to confer on HB 408.

The Speaker appointed the following members:

Representative Driscoll, Chairman
Representative Bachini
Representative Schultz

The House, on 4/8/83, dissolved the conference committee on HB 802 and appointed a free conference committee to meet with a like committee from the Senate to confer on HB 802.

The Speaker appointed the following members:

Representative D. Brown, Chairman
Representative Bergene
Representative Harper

The House, on 4/8/83, dissolved the conference committee on HB 873 and appointed a free conference committee to meet with a like committee from the Senate to confer on HB 873.

The Speaker appointed the following members:

Representative J. Brown, Chairman
Representative Bergene
Representative Metcalf

The House, on 4/8/83, dissolved the conference committee on HB 880 and appointed a free conference committee to meet with a like committee from the Senate to confer on HB 880.

The Speaker appointed the following members:

Representative Metcalf, Chairman
Representative Bergene
Representative Veleber

Senate amendments to House bills concurred in: 4/9/83

HB 582, introduced by Switzer, Mueller

HB 747, introduced by Marks, et al.

HJR 29, introduced by Ramirez, et al.

The House, on 4/9/83, acceded to the request of the Senate and appointed a conference committee to meet with a like committee from the Senate to confer on House amendments to SB 40.

The Speaker appointed the following members:

Representative Harper, Chairman
Representative Schultz
Representative Spaeth

The House, on 4/9/83, acceded to the request of the Senate and appointed a conference committee to meet with a like committee from the Senate to confer on House amendments to SB 170.

The Speaker appointed the following members:

Representative Addy, Chairman
Representative Darko
Representative Ramirez

The House, on 4/9/83, acceded to the request of the Senate and appointed a free conference committee to meet with a like committee from the Senate to confer on SB 186.

The Speaker appointed the following members:

Representative Bardanouve, Chairman
Representative Asay
Representative Howe

The House, on 4/8/83, dissolved the conference committee on HB 319 and appointed a free conference committee to meet with a like committee from the Senate to confer on HB 319.

The Speaker appointed the following members:

Representative Manuel, Chairman
Representative Roush
Representative Stobie

The House, on 4/9/83, acceded to the request of the Senate and appointed a conference committee to meet with a like committee from the Senate to confer on House amendments to SB 428.

The Speaker appointed the following members:

Representative Schye, Chairman
Representative Holliday
Representative Vinger

The House, on 4/9/83, acceded to the request of the Senate and appointed a free conference committee to meet with a like committee from the Senate to confer on SB 451.

The Speaker appointed the following members:

Representative Menahan, Chairman
Representative Donaldson
Representative Kemmis

The House, on 4/9/83, acceded to the request of the Senate and appointed a free conference committee to meet with a like committee from the Senate to confer on SB 456.

The Speaker appointed the following members:

Representative Harper, Chairman
Representative Harp
Representative Nisbet

The House, on 4/9/83, failed to concur in Senate amendments to HB 720 and appointed a free conference committee, requesting that the Senate appoint a like committee to confer on HB 720.

The Speaker appointed the following members:

Representative Brand, Chairman
Representative Lory
Representative Hand

MOTIONS

Senator Turnage moved that the joint rules be temporarily suspended in order to introduce a bill. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Regan.
Total 1

Excused: None.
Total 0

Absent or not voting: Daniels.
Total 1

Senator Hazelbaker moved that the President be authorized to dissolve the conference committee on Senate amendments to HB 606 and that he be authorized to appoint a new conference committee. Motion carried.

Senator Hazelbaker moved that the President be authorized to dissolve the conference committee on Senate amendments to HB 377 and that he be authorized to appoint a free conference committee. Motion carried.

The President appointed the following members:

Senator Smith, Chairman
Senator Crippen
Senator Mohar

Senator Hazelbaker moved that the President be authorized to appoint a free conference committee to confer on SB 401. Motion carried.

The President appointed the following members:

Senator Hager, Chairman
Senator Turnage
Senator Boylan

Senator Hazelbaker moved that the President be authorized to appoint a free conference committee to confer on SB 439. Motion carried.

The President appointed the following members:

Senator Hager, Chairman
Senator Norman
Senator Marbut

Senator Hazelbaker moved that the President be authorized to appoint a free conference committee to confer on HB 540. Motion carried.

The President appointed the following members:

Senator Turnage, Chairman
Senator Galt
Senator Mazurek

Senator Hazelbaker moved that the President be authorized to appoint a free conference committee to confer on HB 720. Motion carried.

The President appointed the following members:

Senator Himsl, Chairman
Senator Story
Senator Thomas

FIRST READING OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 899, introduced by Addy, (By Request of the Department of Labor and Industry). Referred to Committee on State Administration.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 107, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Graham, Haffey, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Elliott, Goodover, Hager.
Total 3

Excused: None.
Total 0

Absent or not voting: Halligan.
Total 1

SB 313, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Eck.
Total 1

SB 335, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan,

Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 436, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Boylan.
Total 1

Excused: None.
Total 0

Absent or not voting: Marbut.
Total 1

HB 629, Governor's amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 716 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 119, conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 106, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on HB 377
Report No. 1, April 9, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 377, met April 9, 1983, and considered the amendments of the following committees:

Senate Committee on Fish and Game (3/24/83)

Senate Committee on Fish and Game (3/25/83)

Senate Committee of the Whole (3/26/83)

We recommend that:

The House accede to all Senate amendments.

HB 377 be further amended as indicated in clerical instructions 1 through 3.

The reference copy of HB 377 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 377 be adopted.

Clerical Instructions:

1. Page 4, line 21.
Strike: "$9,638"
Insert: "$6,638"

2. Page 4, line 22.
Strike: "$6,238"
Insert: "$4,238"

3. Page 4, line 24.
Following: "PERSONNEL"
Insert: ", and shall provide an itemized accounting to the 49th legislature of the cost of administering the checkoff program during fiscal years 1984 and 1985"

For the Senate:

Senator Smith, Chairman
Senator Crippen
Senator Mohar

For the House:

Representative Ream, Chairman
Representative Fabrega
Representative Nilson

Free Conference Committee
on HB 873
Report No. 1, April 9, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 873, met April 9, 1983, and considered the amendments of the following committees:

Senate Committee on State Administration (3/12/83)

We recommend that:

The House accede to Standing Committee amendments 1 through 4 and 6.

The Senate recede from Standing Committee amendment 5.

HB 873 be further amended as indicated in the clerical instructions.

The reference copy of HB 873 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 873 be adopted.

Clerical Instructions:

1. Page 2, line 12.
Following: "shall"

Insert: ", with the advice of the advisory council on aging,"

For the Senate:

Senator Marbut, Chairman
Senator Story
Senator Norman

For the House:

Representative J. Brown, Chairman
Representative Bergene
Representative Metcalf

Free Conference Committee
on HB 428
Report No. 1, April 10, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 428, met April 10, 1983, and considered the amendments of the following committees:

Senate Committee on Education and Cultural Resources (3/23/83)

We recommend that:

The Senate recede from Standing Committee amendment 1.

The free conference committee report on SB 428 be adopted.

For the Senate:

Senator Brown, Chairman
Senator Blaylock
Senator Smith

For the House:

Representative Peck, Chairman
Representative J. Hammond
Representative Eudaily

Free Conference Committee
on HB 373
Report No. 1, April 11, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 373, met April 11, 1983, and considered the amendments of the following committees:

Senate Committee of the Whole (3/17/83)

We recommend that:

The House accede to Committee of the Whole amendment.

HB 373 be further amended as indicated in clerical instructions 1 and 2.

The reference copy of HB 373 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 373 be adopted.

Clerical Instructions:

1. Title, line 16.
Following: "AN"
Insert: "IMMEDIATE"

2. Page 11, line 21.
Strike: "June 30, 1983"
Insert: "on passage and approval"

For the Senate:

Senator Dover, Chairman

For the House:

Representative Holliday, Chairman

Senator Himsl
Senator Blaylock

Representative D. Brown
Representative Marks

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Tveit in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 408 - That the free conference committee report on HB 408 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Graham, Halligan, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 37

Noes: Dover, Gage, Galt, Goodover, Hager, Hammond, Himsl, Keating, Smith.
Total 9

Excused: None.
Total 0

Absent or not voting: Boylan, Haffey, Hazelbaker, D. Manning.
Total 4

SB 446 - That House amendments to SB 446 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 682 - That HB 682 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 780 - That HB 780, third reading copy, be amended as follows:

1. Standing Committee amendments.
Strike: amendment 22

2. Page 5, line 14.
Following: line 13
Insert: "(3) In paying the tax incentive authorized by this section, the department may reduce the amount of the payment by the amount of the tax provided for in 15-70-204(3) on alcohol to be blended for gasohol that remains unpaid."

Amendment failed as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Keating, Lane, R. Manning, Mazurek, Mohar, Regan, Stimatz, Towe, Van Valkenburg.
Total 20

Noes: Aklestad, Brown, Conover, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Kolstad, Lee, Lynch, Marbut, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 27

Excused: None.
Total 0

Absent or not voting: Himsl, D. Manning, Thomas.
Total 3

That HB 780 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Keating.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 35 - That HJR 35 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Towe.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 36 - That HJR 36 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Tveit moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly enrolled: SB 159, SB 201, SB 214, SB 378, SB 391, SB 395, SB 410, SB 441, SB 448.
Examined by the sponsor (Berg) and found to be correct: SB 378.
Examined by the sponsor (Eck) and found to be correct: SB 391.
Examined by the sponsor (Halligan) and found to be correct: SB 410.
Examined by the sponsor (Keating) and found to be correct: SB 159.
Examined by the sponsor (Lane) and found to be correct: SB 448.
Examined by the sponsor (Smith) and found to be correct: SB 214, SB 395.
Examined by the sponsor (Turnage) and found to be correct: SB 201.
Examined by the sponsor (Tveit) and found to be correct: SB 441.

EDUCATION AND CULTURAL RESOURCES (Brown, Chairman):
HB 544, third reading copy, be amended as follows:

1. Title, line 11.

Strike: "20-9-318"

2. Title, line 12.
Following: line 11
Strike: "AND"
Insert: "20-9-316 through"
Following: "MCA;"
Strike: "REPEALING SECTIONS 20-9-316 AND 20-9-317,"

3. Title, line 13.
Strike: "MCA;"

4. Page 4.
Following: line 19
Insert: "Section 1. Section 20-9-316, MCA, is amended to read:

"20-9-316. Elementary school maximum budget schedule for ~~1981-82~~ 1983-84. For 1983-84 the elementary school maximum budget schedule is:

(1) For each elementary school having an ANB of nine or fewer pupils, the maximum shall be ~~$15,578~~ $18,627 if said school is approved as an isolated school.

(2) For schools with an ANB of 10 pupils but less than 18 pupils, the maximum shall be ~~$15,578~~ $18,627 plus ~~$651~~ $778.50 per pupil on the basis of the average number belonging over nine.

(3) For schools with an ANB of 18 pupils and employing one teacher, the maximum shall be ~~$21,438~~ $25,634 plus ~~$651~~ $778.50 per pupil on the basis of the average number belonging over 18, not to exceed an ANB of 25.

(4) For schools with an ANB of 18 pupils and employing two full-time teachers, the maximum shall be ~~$34,227~~ $40,926 plus ~~$407.70~~ $487.50 per pupil on the basis of the average number belonging over 18, not to exceed an ANB of 50.

(5) For schools having an ANB in excess of 40, the maximum on the basis of the total pupils (ANB) in the district for elementary pupils will be as follows:

(a) For a school having an ANB of more than 40 and employing a minimum of three teachers, the maximum of ~~$1,513~~ $1,809 shall be decreased at the rate of ~~$1.47~~ $1.76 for each additional pupil until the total number (ANB) shall have reached a total of 100 pupils.

(b) For a school having an ANB of more than 100 pupils, the maximum of ~~$1,424~~ $1,703 shall be decreased at the rate of ~~$1.34~~ $1.61 for each additional pupil until the ANB shall have reached 300 pupils.

(c) For a school having an ANB of more than 300 pupils, the maximum shall not exceed ~~$1,156~~ $1,382 for each pupil.

(6) The maximum per pupil for all pupils (ANB) and for all elementary schools shall be computed on the basis of the amount allowed herein on account of the last eligible pupil (ANB). All elementary schools operated within the incorporated limits of a city or town shall be treated as one school for the purpose of this schedule."

Section 2. Section 20-9-317, MCA, is amended to read:

"20-9-317. High school maximum budget schedule for ~~1981-82~~ 1983-84. For 1983-84 the high school maximum budget schedule is:

(1) For each high school having an ANB of 24 or fewer pupils, the maximum shall be ~~$88,753~~ $106,155.

(2) For a secondary school having an ANB of more than 24 pupils, the maximum ~~$3,698~~ $4,423 shall be decreased at the rate of ~~$20.17~~ $24.12 for each additional pupil until the ANB shall have reached a total of 40 such pupils.

(3) For a school having an ANB of more than 40 pupils, the maximum of ~~$3,375~~ $4,037 shall be decreased at the rate of ~~$20.17~~ $24.12 for each additional pupil until the ANB shall have reached 100 pupils.

(4) For a school having an ANB of more than 100 pupils, a maximum of ~~$2,165~~ $2,590 shall be decreased at the rate of ~~$3.37~~ $4.04 for each additional pupil until the ANB shall have reached 200 pupils.

(5) For a school having an ANB of more than 200 pupils, the maximum of ~~$1,828~~ $2,186 shall be decreased by ~~$1.85~~ $2.22 for each additional pupil until the ANB shall have reached 300 pupils.

(6) For a school having an ANB of more than 300 pupils, the maximum of ~~$1,642~~ $1,964 shall be decreased at the rate of ~~34~~ 41 cents until the ANB shall have reached 600 pupils.

(7) For a school having an ANB over 600 pupils, the maximum shall not exceed ~~$1,540~~ $1,842 per pupil.

(8) The maximum per pupil for all pupils (ANB) and for all high schools shall be computed on the basis of the amount allowed herein on account of the last eligible pupil (ANB). All high schools and junior high schools which have been approved and accredited as junior high schools, operated within the incorporated limits of a city or town, shall be treated as one school for the purpose of this schedule.""

Renumber: subsequent sections

5. Page 4, line 22.
Strike: "1983-84"
Insert: "1984-85"

6. Page 4, line 23.
Strike: "1983-84"
Insert: "1984-85"

7. Page 5, line 2.
Strike: "$18,627"
Insert: "$19,372"

8. Page 5, line 5.
Strike: "$18,627"
Insert: "$19,372"
Strike: "$778.50"
Insert: "$809.60"

9. Page 5, line 9.
Strike: "$25,634"
Insert: "$26,659"
Strike: "778.50"

Insert: "$809.60"

10. Page 5, line 14.
Strike: "$40,926"
Insert: "$42,563"
Strike: "487.50"
Insert: "$507"

11. Page 5, line 22.
Strike: "$1,809"
Insert: "$1,881"

12. Page 5, line 23.
Strike: "$1.76"
Insert: "$1.83"

13. Page 6, line 1.
Strike: "$1,703"
Insert: "$1,771"

14. Page 6, line 2.
Strike: "$1.61"
Insert: "$1.67"

15. Page 6, line 7.
Strike: "$1,382"
Insert: "$1,437"

16. Page 6, line 16.
Strike: "1983-84"
Insert: "1984-85"
Strike: "1983-84"
Insert: "1984-85"

17. Page 6, line 21.
Strike: "$106,155"
Insert: "$110,401"

18. Page 6, line 23.
Strike: "$4,423"
Insert: "$4,600"

19. Page 6, line 24.
Strike: "$24.12"
Insert: "$25.09"

20. Page 7, line 3.
Strike: "$4,037"
Insert: "$4,199"

21. Page 7, line 4.
Strike: "$24.12"
Insert: "$25.09"

22. Page 7, line 8.
Strike: "$2,590"
Insert: "$2,693"

23. Page 7, line 9.
Strike: "$4.04"
Insert: "$4.20"

24. Page 7, line 13.
Strike: "$2,186"

Insert: "$2,274"

25. Page 7, line 14.
Strike: "$2.22"
Insert: "$2.31"

26. Page 7, line 17.
Strike: "$1,964"
Insert: "$2,043"

27. Page 7, line 18.
Strike: "41"
Insert: "42"

28. Page 7, line 21.
Strike: "$1,842"
Insert: "$1,916"

29. Page 8, lines 6 and 7.
Following: line 5
Strike: section 3 in its entirety
Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Joint conference committee on House amendments to SB 170 will meet at 11:00 a.m. on Thursday, April 14, 1983 in the old Supreme Court Chambers.

Joint conference committee on Senate amendments to HB 100 canceled for 1:30 p.m. on Tuesday, April 12, 1983. No date set.

Joint conference committee on HJR 19 will meet at 11:00 a.m. on Tuesday, April 12, 1983 in Room 343.

Joint conference committee on Senate amendments to HB 700 will meet at 9:00 a.m. on Tuesday, April 12, 1983.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 5:21 p.m., until Tuesday, April 12, 1983, at the hour of 3:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTY-SECOND LEGISLATIVE DAY

Helena, Montana
April 12, 1983

Senate Chambers
State Capitol

Senate convened at 3:07 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Galt, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the eighty-first legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Signed by the President at 10:00 a.m., 4/12/83: SB 159, SB 201, SB 214, SB 378, SB 391, SB 395, SB 410, SB 441, SB 448, HB 193, HB 221, HB 279, HB 284, HB 329, HB 343, HB 356, HB 358, HB 362, HB 419, HB 444, HB 493, HB 503, HB 523, HB 625, HJR 11.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 447, third reading copy, be amended to read as follows:

"Section 1. Title. This act may be cited as the "General Appropriations Act of 1983".

Section 2. Definitions. For the purposes of this act, unless otherwise stated, the following definitions apply:

(1) "Agency" means each state office, department, division, board, commission, council, committee, institution, university unit, or other entity or instrumentality of the executive branch, office of the judicial branch, or office of the legislative branch of state government.

(2) "Approving authority" means the governor or his designated representative, for executive branch agencies; the chief justice of the supreme court for judicial branch agencies; appropriate legislative committees for legislative branch agencies; or the board of regents or its designated representative for the university system.

(3) "University system unit" means the board of regents, office of the commissioner of higher education, university of Montana at Missoula, Montana state university at Bozeman, Montana college of mineral science and technology at Butte, eastern Montana college at Billings, northern Montana college at Havre, western Montana college at Dillon, the agricultural experiment station with central offices at Bozeman, the cooperative extension service with central offices at Bozeman, the forestry and conservation experiment station with central offices at Missoula, or the bureau of mines and geology with central offices at Butte.

Section 3. Other funds to offset general fund. The approving authority shall decrease the general fund appropriation of the agency by the amount of funds received from other sources in excess of the appropriation provided in this act unless such action is expressly contrary to state or federal law, rule, or contract or the approving authority certifies that the services to be funded by the additional funds are significantly different from those for which the agency has received ~~an~~ a general fund appropriation.

Section 4. Expenditure limit. Expenditures may not exceed appropriations.

Section 5. Budget requests. Sufficient funds are appropriated in this act to enable each agency to submit its ~~1985~~ 1987 biennial budget request to the budget director and the legislative fiscal analyst pursuant to the time schedule established in 17-7-112(1), MCA. If any agency fails to submit its final, complete budget request by the deadlines established in 17-7-112(1), MCA, the expenditure authority herein granted shall be reduced or rescinded by the budget director unless the agency director certifies that an emergency situation has precluded a timely budget presentation and the budget director approves an extension not to exceed 30 days.

Section 6. Detailed budget information. Within ~~10~~ 2 days after submission of the preliminary executive budget to the legislative fiscal analyst, the budget director shall give the legislative fiscal analyst the governor's preliminary expenditure recommendations by object of expenditure to the second level of detail and by funding source detailed by accounting entity. Within ~~10 days~~ 1 day after the legislative finance committee presents the budget analysis to the 49th Legislature ~~convenes in regular session~~, the budget director and the legislative fiscal analyst shall ~~give the budget director~~ mutually exchange expenditure ~~detail contained in the budget analysis~~ recommendations by object of expenditure to the second level of detail and by funding sources detailed by accounting entity. This final information shall be filed in the respective offices and available to members of the Legislature and the general public.

Section 7. Operating budgets. Expenditures may be made only in accordance with operating budgets approved by the approving authority. The respective appropriations are contingent upon approval of the operating budget by July 1 of each fiscal year. Each operating budget shall include expenditures for each agency program detailed at least by personal services, operating expenses, equipment, benefits and claims, transfers, and local assistance. However, if any agency allocates its appropriations to the second expenditure level in the state accounting system, separate operation plans need not be submitted to the approving authority.

Section 8. Program transfers. Within each fiscal year, the approving authority may approve agency requests for program transfers for up to ~~a 5% program increase or decrease~~ 5% of the total agency budget unless specifically prohibited by other language or statutes. Justification explaining the reason for the transfer shall be submitted to the approving authority and the legislative fiscal analyst with the request. Upon approval, the approving authority shall present the final transfer allowed and the justification used to the legislative fiscal analyst.

Section 9. Reduction of appropriation. In the event of a shortfall in revenue, the governor may reduce any or all appropriations. No appropriation may be reduced by more than 15%. The following appropriations may not be reduced:

(1) payment of interest and retirement of state debt;

(2) the legislative branch;

(3) the judicial branch;

(4) school foundation program; or

(5) salaries of elected officials during their terms of office.

~~Section 10. Staff instructions. The legislative fiscal analyst staff shall adjust all budgets to decrease the inflation rate on general fund operating~~

~~expenses excluding communications and utilities from 5% to 4%. This shall be done before the bill is transmitted to the Senate.~~

Section 10. Access to records. No funds appropriated by this act may be expended for any contract, written or oral, with a nonstate entity for services to be provided by the nonstate entity to members of the public on behalf of the state unless such contract contains a provision for legislative audit and analysis purposes in determining compliance with the terms of the contract. Each such contract may be unilaterally terminated by the state, and each contract must so provide upon refusal of the nonstate entity to allow access to records necessary to carry out the legislative audit and analysis functions set out in Title 5, chapters 12 and 13.

Section 11. Severability. If any section, subsection, sentence, clause, or phrase of this act is for any reason held unconstitutional, such decision does not affect the validity of the remaining portions of this act.

~~Section 13. Reversion. Notwithstanding other provisions of law, the unexpended balance of each appropriation reverts to the fund from which it was appropriated at the end of each fiscal year unless otherwise provided in this act.~~

Section 12. Audit costs. Amounts appropriated for audits may be transferred between fiscal years.

Section 13. Totals not appropriations. The totals shown in this act are for informational purposes only and are not appropriations.

Section 14. Appropriations. The following money is appropriated for the respective fiscal years:

A. LEGISLATIVE, JUDICIAL, AND ADMINISTRATIVE

Fiscal 1984					Fiscal 1985				
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
LEGISLATIVE AUDITOR									
1. Operations									
~~1,498,942~~	858,874			~~2,357,816~~	~~1,699,041~~	830,526			~~2,529,567~~
1,495,968				2,354,842	1,692,776				2,523,302
LEGISLATIVE FISCAL ANALYST									
1. Operations									
~~591,472~~				~~591,472~~	~~617,783~~				~~617,783~~
590,400				590,400	615,250				615,250
LEGISLATIVE COUNCIL									
1. Operations									
~~1,690,597~~			~~528,140~~	~~2,218,737~~	~~2,114,473~~			~~179,000~~	~~2,293,473~~
1,658,880	528,140			2,187,020	2,079,353	179,000			2,258,353
~~2. NCSL Travel~~									
~~72,000~~				~~72,000~~					
~~3~~2. CSG Travel									
35,000				35,000					
~~4~~3. Interim Studies									
~~75,000~~				~~75,000~~					
50,000				50,000					
~~6~~4. Forestry Task Force									
25,000				25,000					
~~6~~5. Revenue Oversight Committee									
25,000				25,000					
~~7~~6. Administrative Code Committee									
25,000				25,000					
~~8~~7. Capitol Building and Planning Committee									
5,000				5,000					
~~9~~8. Salary Commission									

	Fiscal 1984 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1985 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	T
	3,000				3,000					
~~109~~. Five State Legislative Conference	12,000				12,000					
~~11~~10. Five State Water Task Force	6,400				6,400					
Total	~~1,973,997~~			~~528,140~~	~~2,502,137~~	~~2,114,473~~			~~179,000~~	~~2,293~~
	1,845,280	528,140			2,373,420	2,079,353	179,000			2,258

Items 2 through ~~11~~ 10 are biennial appropriations.

CONSUMER COUNSEL										
1. Operations	536,813				536,813		604,256			604
2. Unanticipated Cases	100,000				100,000		100,000			100,
Total	636,813				636,813		704,256			704,

Item 2 is for expert witness fees to be used only if the amounts of $335,000 in fiscal 1984 and $386,750 in fiscal 1985 for expert witness fees are exceeded.

ENVIRONMENTAL QUALITY COUNCIL										
1. Operations	~~232,536~~				~~232,536~~	~~234,454~~				~~234,~~
	231,938				231,938	233,241				233,
JUDICIARY										
1. Supreme Court Operations										
a. Operations	~~1,379,538~~				~~1,379,538~~	~~1,377,710~~				~~1,377,~~
	1,376,359				1,376,359	1,371,742				1,371,
b. Audit	11,000				11,000					
2. Boards and Commissions	~~193,448~~				~~193,448~~	~~193,723~~				~~193,~~
	192,278				192,278	191,401				191,4
3. Law Library	~~465,784~~			~~29,158~~	~~494,942~~	~~485,297~~			~~29,708~~	~~515,0~~
	464,532	29,158			493,690	482,631	29,708			512,3
4. District Court Operations	~~1,831,412~~				~~1,831,412~~	~~1,840,210~~				~~1,840,2~~
	1,830,002				1,830,002	~~1,837,304~~				~~1,837,3~~
						1,952,349				1,952,3
5. Water Courts	418,330				418,330		599,204			599,2
Total	~~3,881,182~~	~~418,330~~		~~29,158~~	~~4,328,670~~	~~3,896,940~~	~~599,204~~		~~29,708~~	~~4,525,8~~
	3,874,171	447,488			4,321,659	~~3,883,078~~				~~4,511,9~~
						3,998,123	628,912			4,627,0

If judicial district 1, 7, 13, or 20 exercises the option under Senate Bill 26 to fill one of the newly created judgeships at the 1983 general election, the Supreme Court may provide the additional funds for salaries and travel from its budget and submit a request for the necessary supplemental funds to the 1985 Legislature.

GOVERNOR'S OFFICE										
1. Office of Budget & Program Planning	~~678,385~~				~~678,385~~	~~698,655~~				~~698,65~~
	677,307				677,307	696,196				696,19
2. Executive Office Program										
a. Operations	~~907,681~~		12,500		~~920,181~~	~~917,929~~				~~917,92~~
	903,295				915,795	913,249				913,24
b. Audit	14,400				14,400					
c. Coal Tax	200,000				200,000					
3. Board of Visitors	~~75,546~~				~~75,546~~	~~75,458~~				~~75,45~~
	75,226				75,226	74,809				74,80

	Fiscal 1984 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1985 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
4. Air Transportation										
	~~86,996~~				~~86,996~~	~~85,635~~				~~85,635~~
	86,487				86,487	84,560				84,560
5. Mansion Maintenance										
	~~65,020~~				~~65,020~~	~~66,230~~				~~66,230~~
	~~64,859~~				~~64,859~~	~~65,894~~				~~65,894~~
	64,805				64,805	65,610				65,610
6. Northwest Regional Power Act			392,000		392,000			412,000		412,000
7. Citizens' Advocate Office										
	~~57,946~~				~~57,946~~	~~60,277~~				~~60,277~~
	57,944				57,944	60,272				60,272
8. Lieutenant Governor										
	~~215,671~~				~~215,671~~	~~217,746~~				~~217,746~~
	215,306				215,306	216,983				216,983
Total										
	~~2,301,645~~		404,500		~~2,706,145~~	~~2,121,930~~		412,000		~~2,533,930~~
	~~2,294,824~~				~~2,699,324~~	~~2,111,963~~				~~2,523,963~~
	2,294,770				2,699,270	2,111,679				2,523,679

Item 2c is for the purpose of advocating the state's opposition to federal legislation that would prohibit or diminish the state's right to levy a 30 percent severance tax on coal mined within Montana's borders. In addition, any balance remaining from House Bill 828 of the 47th Legislature is reappropriated for use in the 1985 biennium. If the appropriation is not sufficient to cover the costs for the 1985 biennium, the Governor's Office may present a supplemental to the next Legislature.

SECRETARY OF STATE

1. Records Management									
a. Operations									
	~~794,627~~			~~794,627~~	~~805,790~~				~~805,790~~
	792,466			792,466	801,447				801,447
b. Audit									
	5,000			5,000					
c. Attorney Fees									
	2,037			2,037					
2. Administrative Code									
a. Operations									
	~~69,640~~	~~105,194~~		~~174,834~~	~~71,525~~	~~108,973~~			~~180,498~~
	69,356	201,883		~~174,550~~	70,950	201,925			~~179,923~~
				271,239					272,875
b. Audit									
	1,552	1,448		3,000					
Total									
	~~872,856~~	~~106,642~~		~~979,498~~	~~877,315~~	~~108,973~~			~~986,288~~
	870,411	203,331		~~977,053~~	872,397	201,925			~~981,370~~
				1,073,742					1,074,322

Item 1c is for contract services to pay court-ordered attorney fees.

~~The rate charged for agency filings to update the ARM may not exceed $25 per page.~~ As provided in 2-4-312, the general fund in item 2a for nonchargeable administrative rule copies must be deposited to the state special revenue account for expenditure. Spending authority of like amounts have been added to the state special revenue account for this purpose.

COMMISSIONER OF POLITICAL PRACTICES

1. Administration									
	~~144,222~~	750		~~144,972~~	~~140,502~~	750			~~141,252~~
	144,037			144,787	140,275				141,025
2. Audit									
	4,000			4,000					
Total									
	~~148,222~~	750		~~148,972~~	~~140,502~~	750			~~141,252~~
	148,037			148,787	140,275				141,025

STATE AUDITOR

1. Investment Division									
	~~260,703~~			~~260,703~~	~~257,687~~				~~257,687~~
	260,374			260,374	256,998				256,998
2. Management and Control Program									
a. Operations									

	Fiscal 1984 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1985 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	
	~~358,389~~				~~358,389~~	~~370,967~~				~~37~~
	357,374				357,374	368,972				36
b. Audit										
	6,700				6,700					
c. Emergency Equipment Replacement										
	26,000				26,000					
3. Central Payroll Division										
a. Operations										
	~~586,675~~	~~258,069~~			~~844,744~~	~~553,686~~	~~235,869~~			~~78~~
	~~582,455~~				~~840,524~~	~~546,119~~				~~78~~
	572,381	249,827			822,208	536,994	228,404			765
b. Audit										
	13,500				13,500					
4. Administrative Support										
a. Operations										
	~~228,822~~				~~228,822~~	~~230,640~~				~~230~~
	228,510				228,510	230,378				230
b. Audit										
	20,000				20,000					
5. Insurance Division										
a. Operations										
	~~606,750~~				~~606,750~~	~~615,338~~				~~615.~~
	~~605,772~~				~~605,772~~	~~613,167~~				~~613,~~
	630,519				630,519	635,014				635,
b. Actuary Fees										
	10,000				10,000	10,000				10,
c. House Bill 385 Duties										
	32,000				32,000	42,000				42,
Total										
	~~2,149,539~~	~~258,069~~			~~2,407,608~~	~~2,080,318~~	~~235,869~~			~~2,316,~~
	~~2,142,685~~				~~2,400,754~~	~~2,067,634~~				~~2,303,~~
	2,157,358	249,827			2,407,185	2,080,356	228,404			2,308,

Item 2c is a biennial appropriation for replacement of equipment used in preparing state warrants. This appropriation may be used only if the existing equipment fails and cannot reasonably be repaired.

Item 5c is to carry out the duties mandated in House Bill 385 from the regular session of the 47th Legislature.

In addition to the funds appropriated above, the amount needed for the local assistance distribution of funds provided in 17-3-212, 19-9-702, 19-9-1007, 19-10-305, 19-11-512, 19-11-606, 19-12-301, and 19-13-604, MCA, is appropriated.

DEPARTMENT OF JUSTICE

1. Legal Services										
a. Operations										
	~~756,660~~	19,520			~~776,180~~	~~756,390~~	20,692			~~777,~~
	755,277				774,797	753,457				774,1
b. Case-related Travel										
	10,000				10,000	10,000				10,0
c. Case Assessments										
	18,500				18,500	19,600				19,6
2. County Prosecutor Services										
	~~119,849~~				~~119,849~~	~~121,483~~				~~121,4~~
	119,690				119,690	121,142				121,1
3. Agency Legal Services										
				362,347	362,347				365,482	365,4
4. Motor Vehicle Administration										
		93,151			93,151		93,570			93,5
5. Driver Licensing Program										
	~~1,886,631~~	99,400			~~1,986,031~~	~~1,914,221~~	98,900			~~2,013,1~~
	~~1,882,756~~				~~1,982,156~~	~~1,906,100~~				~~2,005,0~~
	1,882,541				1,981,941	1,905,454				2,004,3
6. Field Services										
	~~2,793,134~~	6,229,765	34,000		~~9,022,899~~	~~2,905,308~~	6,187,130			~~9,092,4~~
					~~9,056,899~~					
	~~2,778,224~~				~~9,041,989~~	~~2,874,292~~				~~9,061,4~~
	2,777,273				9,041,038	2,871,580				9,058,7
7. Vehicle Registration										
		~~1,979,507~~			~~1,979,507~~		~~2,034,144~~			~~2,034,1~~
		1,978,452			1,978,452		2,031,378			2,031,37
8. Law Enforcement Services Administration										
	~~72,806~~				~~72,806~~	~~73,773~~				~~73,77~~

	Fiscal 1984 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1985 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
	72,710				72,710	73,571				73,571
9. County Attorney Payroll	741,291				741,291	773,321				773,321
10. Law Enforcement Telecommunications Bureau										
a. Operations	~~615,970~~	411,383			~~1,027,353~~	~~325,909~~	342,162			~~668,071~~
	~~613,279~~				~~1,024,662~~	323,840				666,002
	198,279				609,662					
b. Switcher	415,000				415,000					
11. Law Enforcement Academy	~~375,476~~	~~262,779~~			~~638,255~~	~~451,208~~	~~205,779~~			~~656,987~~
	~~373,658~~				~~636,437~~	~~447,391~~				~~653,170~~
	373,646	262,770			636,416	447,328	205,732			653,060
12. Fire Marshal	~~323,762~~				~~323,762~~	~~326,851~~				~~326,851~~
	~~323,078~~				~~323,078~~	~~325,446~~				~~325,446~~
	323,062				323,062	325,361				325,361
13. Identification Bureau	~~211,993~~				~~211,993~~	~~208,612~~				~~208,612~~
	211,475				211,475	207,520				207,520
14. Criminal Investigators	~~157,318~~		204,041		~~361,359~~	~~167,018~~		208,803		~~375,821~~
	156,949				360,990	166,242				375,045
15. Central Services										
a. Operations	~~353,204~~	25,000			~~378,204~~	~~353,030~~	25,000			~~378,030~~
	352,274				377,274	351,750				376,750
b. Audit	27,422	4,078			31,500					
16. Data Processing	~~229,679~~				~~229,679~~	~~230,550~~				~~230,550~~
	229,575				229,575	230,329				230,329
17. Transportation of Prisoners	148,401				148,401	156,107				156,107
18. Forensic Science										
a. Operations	~~351,824~~	~~289,451~~			~~641,275~~	~~360,584~~	~~235,491~~			~~596,075~~
	~~351,105~~				~~640,556~~	~~359,069~~				~~594,560~~
	351,001	289,366			640,367	358,678	235,169			593,847
b. Lab Equipment	11,000				11,000	12,500				12,500
19. Legal Jurisdiction Project										
a. Operations	~~71,824~~				~~71,824~~	~~74,284~~				~~74,284~~
	68,828				68,828	73,956				73,956
b. Legal Fees	300,000				300,000					
Total	~~9,576,744~~	~~9,414,034~~	~~204,041~~	362,347	~~19,557,166~~	~~9,240,749~~	~~9,242,868~~	208,803	365,482	~~19,057,902~~
	~~9,545,492~~		238,041		~~19,559,914~~	~~9,185,633~~				~~19,002,786~~
	9,544,194	9,412,885			19,557,467	9,181,736	9,239,733			18,995,754

Item 1b is appropriated for case-related travel only.

Item 1c is appropriated for multistate case assessments for antitrust cases only.

The rate charged by Agency Legal Services may not exceed $42.50 per hour in fiscal 1984 and $45 per hour in fiscal 1985.

Item 10b is a biennial appropriation.

Item 18b is appropriated for lab equipment and may be used to match federal funds.

Item 19b is for legal fees, expert witness fees, and court costs. If the appropriation is not sufficient to cover the costs for the 1985 biennium, the department may present a supplemental to the next Legislature. The attorney general shall report to the Legislative Finance Committee in August 1984 and the next Legislature in January 1985 on how this appropriation was expended.

HIGHWAY TRAFFIC SAFETY

1. Operations			~~67,680~~	~~1,373,094~~	1,440,774			~~70,283~~	~~1,373,903~~	1,444,186

	Fiscal 1984 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1985 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Tc
		67,680	1,373,094				70,283	1,373,903		
2. Audit			~~2,625~~	~~875~~	3,500					
		2,625	875							
Total			~~70,305~~	~~1,373,969~~	1,444,274			~~70,283~~	~~1,373,903~~	1,444,1
		70,305	1,373,969				70,283	1,373,903		
BOARD OF CRIME CONTROL										
1. Operations										
	~~428,906~~		73,412		~~502,318~~	~~424,912~~		85,640		~~510,5~~
	427,814				501,226	422,867				508,5
2. Audit										
	7,000		7,000		14,000					
Total										
	~~435,906~~		80,412		~~516,318~~	~~424,912~~		85,640		~~510,5~~
	434,814				515,226	422,867				508,5
DEPARTMENT OF REVENUE										
1. Director's Office										
a. Operations										
	~~167,543~~	83,697		5,478	~~256,718~~	~~165,783~~	74,560		3,229	~~243,5~~
	166,214				255,389	165,065				242,8
b. Audit										
	70,350	18,900		15,750	105,000					
c. Legal Fees										
	35,000				35,000					
2. Central Services										
	~~927,198~~		5,000	680	~~932,878~~	~~926,267~~		5,000	705	~~931,9~~
	926,390				932,070	924,563				930,2
3. Research and Information Division										
	~~1,125,585~~			324,488	~~1,450,073~~	~~1,110,634~~			318,914	~~1,429,5~~
	1,123,855				1,448,343	1,107,189				1,426,1
4. Legal and Investigation Program										
	~~374,943~~		262,766	241,520	~~879,229~~	~~367,359~~		258,133	236,464	~~861,9~~
	~~374,408~~				~~878,694~~	~~366,236~~				~~860,8~~
	351,020				855,306	342,933				837,5
5. Child Support Enforcement										
	~~333,025~~		898,190		~~1,231,215~~	~~326,647~~		884,095		~~1,210,7~~
	332,537				1,230,727	325,820				1,209,9
6. Income Tax Division										
	~~2,213,072~~				~~2,213,072~~	~~2,177,660~~				~~2,177,6~~
	~~2,208,502~~				~~2,208,502~~	~~2,168,031~~				~~2,168,0~~
	2,232,383				2,232,383	2,180,466				2,180,4
7. Natural Resources and Corporation Tax										
	~~1,056,481~~				~~1,056,481~~	~~1,086,461~~				~~1,086,4~~
	1,053,608				1,053,608	1,080,166				1,080,1
8. Miscellaneous Tax										
	~~426,601~~	65,502			~~492,103~~	~~409,919~~	66,313			~~476,2~~
	426,170				491,672	409,013				475,3
9. Motor Fuel Division										
		588,444			588,444		594,088			594,0
10. Property Assessment Division										
	~~11,219,523~~				~~11,219,523~~	~~11,010,472~~				~~11,010,47~~
	~~11,201,135~~				~~11,201,135~~	~~10,978,278~~				~~10,978,27~~
	11,350,400				11,350,400	11,021,820				11,021,82
Total										
	~~17,949,321~~	756,543	1,165,956	587,916	~~20,459,736~~	~~17,581,202~~	734,961	1,147,228	559,312	~~20,022,70~~
	~~17,918,169~~				~~20,428,584~~	~~17,524,361~~				~~19,965,86~~
	18,067,927				20,578,342	17,557,035				19,998,53

Funds up to $300,000 remaining within the 1983 biennium appropriation to the property assessment division contained in House Bill 2 of the November 1981 Special Session for defense of the railroad litigation are reappropriated for the 1985 biennium to deal with legal issues arising under federal nondiscriminatory taxation acts such as the Tax Equity and Fiscal Responsibility Act, the Railroad Revitalization and Regulatory Reform Act, and any subsequent federal legislation that directs the state to take a nondiscriminatory posture in the taxation of entities doing business within the state. This appropriation may be used only for attorney fees, expert witnesses, and extraordinary expenses associated solely with resolving disputes related to such legal issues.

Item 1c is a biennial appropriation to pay legal fees incurred by the department.

Fiscal 1984 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1985 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total

If the Child Support Enforcement Program is required by a change in federal legislation to pay operating costs from collections, the program is authorized to substitute the Child Support fees and collections for the federal appropriation up to the total amount authorized by the Legislature for operations in the 1985 biennium. In the event established cutoff dates related to the change in funding do not allow for adequate funding of the operating costs from fees and collections, the Department of Administration is authorized to make a loan to the Child Support Enforcement Program from the general fund. The loan may not exceed an amount equal to deposits made by the Child Support Enforcement Program to the general fund for the 6-month period prior to the funding change and must be paid back within 2 years.

The Department of Revenue is authorized to employ necessary personnel and to spend funds received from local government contracts under section 7-14-302, MCA, to administer the local option motor fuel excise tax.

~~There are appropriated to the~~ Liquor Division revolving funds necessary to maintain adequate inventories of liquor and wine and to operate the state liquor operation are appropriated. During the 1985 biennium, the division ~~should~~ shall attempt to return at least 13% of net sales. Net sales are gross sales less discounts and all taxes collected. The division ~~should also attempt to~~ shall attempt to limit operational expenses of the liquor merchandising system to not more than 15% of net sales. Operational expenses may not include product costs, freight charges, or expenses allocable to other divisions or licensing bureau expenses.

The division retains full authority to determine store operating hours and the number and location of stores and employees. Nonprofitable state stores ~~should~~ shall be closed or converted to agency stores in an orderly manner. Agency stores ~~should also~~ shall be closed if the division considers them marginally profitable and other state stores or agencies are located within a reasonable distance. ~~The division is not required to close stores to meet its profit or expense goals if public convenience would be adversely affected by such closure. A nonprofitable state store is one that shows a net loss or is less profitable than if run as an agency store after reducing gross revenues by all state excise and license taxes and by deducting therefrom all normal operating expenses, which include a pro rata share, based on gross sales, of central administration office expenses.~~ The division is not required to close stores to meet its profit or expense goals if public convenience would be adversely affected by such closure.

All royalties attributable to the marketing of point of sale system software developed under contract for the liquor division are to be deposited in the revolving fund. Such royalties may be expended only for further development of the liquor management information and point of sale systems. Expenditures of these royalty moneys are specifically excluded from the 15% of net sales limitation imposed on operation expenses.

~~The county commissioners of the various counties and the governing bodies of local government units shall provide office space in county courthouses or government office buildings to the state Department of Revenue for its use at no cost to the state. The department is not liable for any expenses in connection with use of such space including but not limited to rent, utilities, or janitorial services. The department shall use such space as offices for its agents, the county assessor and appraiser, and their respective staffs.~~

DEPARTMENT OF ADMINISTRATION

1. Central Administration									
a. Operations									
~~278,418~~			~~278,418~~		~~279,889~~				~~279,889~~
277,523			277,523		279,552				279,552
b. Audit									
35,000		41,000	76,000						
c. Travel									
1,600			1,600						
2. Governor's Elect Program									
					30,000				30,000
3. Accounting									
a. Operations									
~~909,747~~			~~909,747~~		~~926,979~~				~~926,979~~
~~904,169~~			~~904,169~~		915,580				915,580
892,169			892,169						
b. Travel									
1,380			1,380						
c. Audit									
12,000			12,000						
4. Architecture & Engineering									
a. Operations									
477,839			477,839			478,614			478,614
b. Study of Construction Laws									
25,000			25,000						
5. General Services									
a. Operations									
~~654,942~~		~~2,381,124~~	~~3,036,066~~		~~709,298~~			~~2,606,385~~	~~3,315,683~~
~~652,869~~			~~3,033,993~~		~~704,843~~				~~3,311,228~~
640,583		2,331,980	2,972,563		672,107			2,475,443	3,147,550
b. Security Improvements									

	Fiscal 1984 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1985 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Tot.
	24,191				24,191					
c. Capital Projects				50,000	50,000				50,000	50,00
6. Purchasing	~~516,467~~				~~516,467~~	~~520,890~~				~~520,89~~
	515,458				515,458	518,858				518,85
7. Central Stores				1,847,106	1,847,106				1,986,591	1,986,59
8. Surplus Property				208,952	208,952				206,084	206,08
9. Building Standards		904,116			904,116		878,301			878,30
10. Mail & Management				805,781	805,781				879,307	879,30
~~11. Accounting Management~~	~~357,945~~				~~357,945~~	~~90,140~~			~~63,292~~	~~153,43~~
	~~356,912~~				~~356,912~~	~~89,211~~				~~152,50~~
~~12. Local Government Services~~	~~1,462,815~~			~~929,817~~	~~2,392,632~~	~~1,462,636~~			~~936,645~~	~~2,399,28~~
	~~1,462,306~~				~~2,392,123~~	~~1,461,600~~				~~2,398,24~~
~~13~~11. Treasury	~~418,847~~			25,732	~~444,579~~	~~404,097~~			25,467	~~429,56~~
	418,277				444,009	402,931				428,39
~~14~~12. Investments										
a. Operations				689,545	689,545				~~706,637~~	~~706,63~~
									676,637	676,63
b. Audit				30,000	30,000				30,000	30,00
~~15~~13. Communications				3,865,501	3,865,501				4,433,878	4,433,87
~~16~~14. SRS Amortization & Major Maintenance				19,132	19,132				19,132	19,13
~~17~~15. Personnel										
~~a. Operations~~	~~918,006~~	4,172			~~922,178~~	~~924,851~~	4,194			~~929,04~~
	916,764				920,936	922,342				926,53
~~b. Legal Fees~~	~~5,000~~				~~5,000~~					
~~18~~16. Group Benefits	45,776			145,366	191,142	45,517			154,613	200,13
~~19~~17. Training	56,142			67,641	123,783	55,646			70,282	125,92
~~20~~18. State Insurance	56,250			1,377,212	1,433,462	58,750			767,450	826,20
~~21~~19. Passenger Tramway Safety	11,835				11,835	12,465				12,46
~~22~~20. Workers' Compensation		308,524			308,524		293,949			293,94
~~23~~21. Public Employees' Retirement System										
a. Operations				~~772,000~~	~~772,000~~				~~781,641~~	~~781,64~~
				771,710	771,710				780,763	780,76
b. Audit				22,500	22,500					
~~24~~22. Teachers' Retirement										
a. Operations				~~326,144~~	~~326,144~~				~~344,971~~	~~344,97~~
				325,882	325,882				344,228	344,22
b. Audit				17,500	17,500					
c. Systems Development Project				181,830	181,830				27,500	27,50
~~25~~23. Graphics				346,364	346,364				358,787	358,78
~~26~~24. Publications				1,501,189	1,501,189				1,613,894	1,613,89
~~27~~25. Computer Services Division										
a. Operations				~~4,766,232~~	~~4,766,232~~				5,087,068	5,087,06
				4,754,232	4,754,232					
b. Audit										

	Fiscal 1984 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1985 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
				12,000	12,000					
~~28~~26. Records Management										
				330,068	330,068				323,951	323,951
~~29~~27. Systems Development										
				686,883	686,883				691,970	691,970
~~30~~28. State Tax Appeals Board										
a. Operations										
	~~281,058~~				~~281,058~~	~~282,942~~				~~282,942~~
	279,764				279,764	280,470				280,470
b. Per Diem										
	6,693				6,693					
c. Contracted Services										
	43,594				43,594	33,750				33,750
Total										
	~~6,085,706~~	1,719,651		~~21,434,619~~	~~29,239,976~~	~~5,837,850~~	1,655,058		~~22,135,545~~	~~29,628,453~~
	~~6,071,503~~				~~29,225,773~~	~~5,811,515~~				~~29,602,118~~
	4,234,999			20,455,106	26,409,756	4,227,968			21,003,045	26,886,071

Items 1c, 3b, 4b, and 5b are biennial appropriations.

Should the economy improve to the point there is a need for more building standard inspectors, a maximum of 3 FTE and operating expenses and equipment for the 3 FTE may be added by budget amendment to the building standards division.

In item 5c in the proprietary fund is $50,000 that is appropriated out of the capital project fund.

The department may charge agencies a maximum of $3.11 per square foot for rent for fiscal 1984 and $3.34 per square foot for fiscal 1985. At the end of fiscal 1985 the maximum the department may carry over is a 45-day operating balance of $420,000.

Item ~~16~~ 14 is appropriated out of the SRS building debt service fund.

Items ~~23~~ 21 and ~~24~~ 22 are appropriated out of the pension trust fund.

~~Item 17b is a biennial appropriation to pay contract services which may be used only in defense of the eligibility technician lawsuit.~~

Item ~~24c~~ 22c is to complete and operate the systems development project for the data processing system for Teachers' Retirement. The funds provided are sufficient to complete the project and further requests for funding the project may not be made.

Items ~~30b~~ 28b and ~~30c~~ 28c are appropriated for the "34 percent" property tax issue.

~~The Department of Administration shall review and approve or disapprove all acquisition of land mobile radio equipment and systems for all agencies of state government.~~ The department must develop a long-range telecommunication plan and monitor communication activity during the biennium. Telephone systems, land mobile radio systems, data transmission devices, their components, or any other telecommunications equipment or facilities may not be leased, purchased, rented, otherwise procured, or installed by any state government agency unless approval is granted by the department of administration. Approved purchases or installations should be compatible with the statewide communications plan and should maximize the state dollar. This is not to be taken as a reason to unduly delay communications activities of other state agencies, nor should this affect repair or installation of presently owned equipment.

The department of administration is encouraged to obtain vendor input for long-range planning of state telephone systems, data transmission systems, and land mobile radio systems. Input from vendors should be utilized in the long-range planning process; however, the input should be of an advisory nature only and may not be considered binding upon either the department of administration or the state of Montana. In approving such equipment or systems, the department shall:

(a) consult with and consider the recommendations and advice of the state agency directors; and

(b) ensure compliance with statewide planning efforts.

If the Department of Administration exercises its right to convert the existing lease agreement between the state and Centel Business Systems to a lease with an option to purchase as provided in section 16.12 of the lease agreement, then the department is authorized, in its discretion, to issue lease participation certificates to finance such purchase options in a manner and form determined to be in the best interests of the state. The department is further authorized to employ financial consultants and counsel considered necessary to issue lease participation certificates, the cost of which may be paid from the proceeds of the certificates.

The department may expend available self-insurance reserves and revenues to pay any deficit that may be incurred for property insurance premiums due and payable through June 30, 1985.

ADJUTANT GENERAL

	Fiscal 1984 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1985 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	
1. Administration Program										
a. Operations										
	~~232,241~~				~~232,241~~	~~245,659~~				~~24~~
	~~232,066~~				~~232,066~~	~~245,398~~				~~24~~
	192,439				192,439	201,808				20
b. Audit										
	5,250				5,250					
2. Army National Guard										
	~~1,015,097~~		~~485,192~~		~~1,500,289~~	~~1,061,374~~		~~452,822~~		~~1,51~~
	~~1,011,894~~				~~1,497,086~~	~~1,054,776~~				~~1,50~~
	990,627		471,014		1,461,641	1,000,404		416,574		1,41
3. Air National Guard										
	~~133,222~~		~~714,591~~		~~847,813~~	~~151,779~~		~~778,141~~		~~92~~
	~~133,118~~				~~847,709~~	~~151,559~~				~~92~~
	127,983		694,052		822,035	138,441		725,670		864
4. Veterans' Affairs										
	467,097				467,097	468,663				468
Total										
	~~1,385,810~~		~~1,199,783~~		~~2,585,593~~	~~1,458,812~~		~~1,230,963~~		~~2,689~~
	~~1,382,328~~				~~2,582,111~~	~~1,451,738~~				~~2,682~~
	1,783,396		1,165,066		2,948,462	1,809,316		1,142,244		2,951
DISASTER AND EMERGENCY SERVICES										
1. Disaster Coordination										
a. Operations										
	~~220,091~~		220,341		~~440,432~~	~~222,979~~		223,433		~~446~~
	219,841				440,182	222,525				445
b. Audit										
	3,413		3,412		6,825					
2. Nuclear Civil Protection										
a. Operations										
			~~221,380~~		~~221,380~~			224,434		224
			221,360		221,360					
b. Audit										
			~~2,905~~		~~2,905~~					
			2,925		2,925					
Total										
	~~223,504~~		448,038		~~671,542~~	~~222,979~~		447,867		~~670,~~
	223,254				671,292	222,525				670,
DEPARTMENT OF HIGHWAYS										
1. Construction										
a. Operations										
	~~25,368,827~~		~~122,983,559~~		~~148,352,386~~		~~22,003,015~~	~~122,005,469~~		~~144,008,~~
	25,367,318		122,977,523		148,344,841		21,999,132	121,989,937		143,989,
b. Accelerated Construction Interstate										
	1,743,836				1,743,836		15,147,370			15,147,
c. Reconstruction Trust										
	8,720,742				8,720,742		9,802,905			9,802,
2. Operations										
a. Operations										
	~~4,896,961~~		1,514,605		~~6,411,566~~		~~4,824,834~~	1,425,901		~~6,250,~~
	4,831,282				6,345,887		4,822,456			6,248,
b. Audit										
	65,000				65,000					
3. Preconstruction										
	~~4,081,703~~		~~7,580,307~~		~~11,662,010~~		~~3,776,675~~	~~7,013,827~~		~~10,790,~~
	4,081,095		7,579,177		11,660,272		3,775,107	7,010,916		10,786,
4. Service Revolving										
				~~2,814,968~~	~~2,814,968~~				~~2,855,115~~	~~2,855,~~
				2,814,801	2,814,801				2,854,660	2,854,
5. Maintenance										
a. Operations										
	~~40,332,829~~				~~40,332,829~~		~~41,894,013~~			~~41,894,~~
	40,286,578				40,286,578		41,736,132			41,736,
b. Street Lights										
	400,000				400,000		200,000			200,
6. Equipment										
	3,100,000			~~10,030,498~~	~~13,130,498~~		2,568,000		~~10,649,548~~	~~13,217,~~
				10,018,136	13,118,136				10,617,956	13,185,
7. Motor Pool										

	Fiscal 1984 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1985 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
				~~720,359~~	~~720,359~~				~~671,945~~	~~671,945~~
				719,871	719,871				670,685	670,685
8. Stores Inventory										
		13,193,639			13,193,639		14,284,140			14,284,140
9. Gross Vehicle Weight Division										
		~~3,085,750~~			~~3,085,750~~		~~3,112,084~~			~~3,112,084~~
		3,084,824			3,084,824		3,107,207			3,107,207
10. Capital Outlay										
		580,208			580,208		587,245			587,245
~~11. General Fund Transfers~~										
	~~12,000,000~~				~~12,000,000~~					
Total										
	~~12,000,000~~	~~105,504,495~~	~~132,078,471~~	~~13,565,825~~	~~263,148,791~~		~~118,200,281~~	~~130,445,197~~	~~14,176,608~~	~~262,822,086~~
		105,454,522	132,071,305	13,552,808	251,078,635		118,029,694	130,426,754	14,143,301	262,599,749

In the event additional federal highway funds become available, additional spending authority and additional FTE may be requested through budget amendment.

Item 1b is contingent upon passage of Senate Bill 454. In addition to the funds appropriated in that item, the amount needed to pay principal and interest on bonds issued under the authority of Senate Bill 454 is appropriated from the highway earmarked account.

If Senate Bill 454 is enacted, the appropriations in 1a and 1b will be combined for fiscal 1984 and fiscal 1985.

Item 1c is contingent upon the passage of House Bill 16 and House Bill 730.

The Legislature anticipates the department will proceed during the 1985 biennium with the projects and right-of-way acquisitions listed in its revised work plan presented to the Legislative, Judicial, and Administrative subcommittee of Appropriations — Finance and Claims and spend funds substantially in accordance with the estimated expenditures shown on that work plan. The department shall report to the 1985 Legislature any significant deviation in projects undertaken or funds expended from that work plan.

The Legislature anticipates that the maintenance division will receive by budget amendment spending authority for any funds in excess of $556,097 in fiscal 1984 and $587,663 in fiscal 1985 that it collects from damage situations.

Item 5b is for the installation of 2,000 energy-efficient street lights. This expenditure will be reimbursed by funds from the Bonneville Power Administration which will be deposited in the stores inventory earmarked revenue account.

The equipment division budget contains funds for 2,200,000 gallons of gasoline each year and 550,000 gallons of diesel fuel in fiscal 1984 and 600,000 gallons in fiscal 1985. The anticipated price of each gallon of fuel is $1.15 in fiscal 1984 and $1.30 in fiscal 1985. In the event the price of fuel exceeds these estimates, the division may request additional spending authority by budget amendment for funds sufficient to purchase the anticipated number of gallons of fuel. In the event that fuel prices remain at existing levels or decrease, the division shall revert any excess funds.

Funding may be transferred among all programs including stores inventory to reflect actual personal services expenditures. This is not to be construed as permitting the transfer of full-time equivalent employees between programs, nor may there be an increase in the total number of appropriated full-time equivalent employees.

~~Item 11 is a biennial appropriation from the general fund to the highway earmarked account.~~

TOTAL SECTION A										
	~~61,307,382~~	~~119,674,201~~	~~135,651,506~~	~~37,881,974~~	~~354,515,063~~	~~48,549,260~~	~~132,312,746~~	~~134,047,981~~	~~38,819,558~~	~~353,729,545~~
	~~61,197,991~~		~~135,685,506~~		~~354,439,672~~	~~48,349,721~~				~~353,530,006~~
	47,796,917	120,339,129	136,947,287	34,958,177	340,041,510	47,244,897	132,503,502	135,244,439	36,071,140	351,063,978

B. HUMAN SERVICES

DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES										
1. Financial Management										
	~~282,331~~	85,000	431,429		~~798,760~~	~~246,547~~	85,000	469,584		~~801,131~~
	281,691				798,120	245,514				800,098
2. Environmental Sciences										
a. Food & Consumer Safety										
	~~471,751~~				~~471,751~~	~~473,762~~				~~473,762~~
	~~471,292~~				~~471,292~~	~~472,846~~				~~472,846~~
	351,874	204,000			555,874	353,428	204,000			557,428
b. Solid Waste Management										
	~~128,992~~	980,048	~~166,533~~		~~1,275,573~~	~~128,868~~	1,001,585	161,651		~~1,292,104~~
	126,674		217,533		~~1,273,255~~	128,430				1,291,666
					1,324,255					

	Fiscal 1984					Fiscal 1985				
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	To
c. Air Quality										
	~~277,488~~		~~544,833~~		~~822,321~~	~~247,857~~		~~544,833~~		~~792,~~
	~~324,835~~		~~544,833~~		~~869,668~~	~~313,034~~		~~544,833~~		~~857,~~
	~~323,870~~				~~868,703~~	~~311,082~~				~~855,~~
	323,787		544,692		868,479	310,657		544,078		854,
d. Occupational Health										
	~~173,661~~				~~173,661~~	~~182,929~~				~~182,~~
	~~173,257~~				~~173,257~~	~~182,137~~				~~182,~~
	173,227				173,227	182,017				182,
e. Water Quality										
	~~219,803~~	20,058	~~1,146,654~~		~~1,386,515~~	~~223,600~~	20,209	~~1,138,942~~		~~1,382,~~
	~~219,411~~				~~1,386,123~~	~~222,762~~				~~1,381,~~
	219,406		1,146,628		1,386,092	222,736		1,138,807		1,381,
f. Subdivision Review										
		211,648			211,648		225,537			225,
g. Administration										
	~~59,187~~	22,341	31,992		~~113,520~~	~~59,362~~	22,485	32,469		~~114,~~
	59,124				113,457	59,229				114,
h. Hazardous Waste Cleanup										
		220,000	1,980,000		2,200,000					
3. Management Services Division										
a. Operations										
	~~146,696~~		88,028	~~88,028~~	~~234,724~~	~~150,069~~		87,564	~~87,564~~	~~237,~~
	146,121				234,149	148,904				236,
b. Laboratory										
	~~410,138~~	109,953	188,222		~~708,313~~	~~416,241~~	61,530	197,294		~~675,~~
	409,167				707,342	414,163				672,
4. Dental Bureau										
a. Dental Program										
	~~67,829~~				~~67,829~~	~~67,763~~				~~67,~~
	67,572				67,572	67,232				67,
b. Health Education										
			34,671		34,671			35,759		35,
c. Hypertension										
			78,105		78,105			77,500		77,
5. Nursing Bureau										
a. Administration										
	~~125,552~~		25,873		~~151,425~~	~~128,008~~		25,971		~~153,~~
	125,452				151,325	127,908				153,
b. Venereal Disease										
	~~10,724~~		66,223		~~76,947~~	~~11,459~~		67,727		~~79,~~
	10,685				76,908	11,371				79,
c. Vaccination										
	~~20,940~~		139,703		~~160,643~~	~~21,720~~		142,771		~~164,~~
	20,861				160,564	21,550				164,
d. Family Planning										
			929,934		929,934			932,975		932,
6. Clinical Services Division										
a. Administration										
	~~225,319~~		863,976		~~1,089,295~~	~~226,637~~		690,835		~~917,~~
	224,090				1,088,066	223,957				914,
b. Handicapped Child Services										
			647,445		647,445			682,882		682,
c. Newborn Transport										
			50,000		50,000					
d. Diabetes										
			34,157		34,157			19,157		19,
e. Tumor Registry										
	~~52,845~~				~~52,845~~	~~53,856~~				~~53,~~
	52,647				52,647	53,433				53,
f. Child Nutrition										
			1,925,033		1,925,033			1,926,479		1,926,
g. Women Infant Children Food Program										
			4,597,281		4,597,281			4,804,064		4,804,
h. Improved Pregnancy Outcome										
			300,000		300,000					
7. Licensing and Certification Bureau										
	~~130,693~~		393,531		~~524,224~~	~~146,536~~		392,683		~~539,~~
	130,274				523,805	145,658				538,
8. Emergency Medical Services										
	~~322,591~~	30,000	167,128		~~519,719~~	~~313,850~~	30,000	182,565		~~526,~~
	321,543				518,671	311,686				524,

	Fiscal 1984 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1985 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
9. Health Planning										
	~~106,883~~		233,082		~~339,965~~	~~106,113~~		233,615		~~339,728~~
	106,649				339,731	105,643				339,258
10. Legal Unit										
			159,050		159,050			160,115		160,115
11. Director's Office										
	~~267,772~~		83,499		~~351,271~~	~~273,139~~		83,499		~~356,638~~
	267,343				350,842	272,238				355,737
12. Audit										
			39,300		39,300					
13. Renal Program										
	125,000				125,000	125,000				125,000
Total										
	~~3,501,195~~	~~1,459,048~~	~~12,977,654~~	~~88,028~~	~~18,025,925~~	~~3,478,316~~	~~1,446,346~~	~~13,003,370~~	~~87,564~~	~~18,015,596~~
	~~3,537,723~~	~~1,679,948~~	~~15,045,682~~		~~20,262,453~~	~~3,525,743~~		~~13,090,934~~		~~18,063,023~~
	3,543,187	1,883,048	15,396,515		20,822,750	3,530,754	1,650,346	13,090,044		18,271,144

~~Item~~ Items 2h ~~is a~~ and 6h are biennial ~~appropriation and is contingent upon the passage of House Bill 200~~ appropriations.

Revenue generated from fees charged hazardous waste producers must equal at least $21,828 in fiscal 1984 and $21,194 in fiscal 1985. If these amounts are not collected in either fiscal year, operation of the hazardous waste program will be returned to the Environmental Protection Agency. All fees collected shall be deposited in the general fund.

Federal funds received for radiation projects may be added by budget amendment.

Included in Item 2b is $51,000 of federal spending authority in fiscal 1984 for an inventory of hazardous waste sites, which is a biennial appropriation.

Item 2c includes $30,000 general fund for the biennium for monitoring air quality in the Scobey area and can be used only when Saskatchewan Power Units one and two are both at full operating capacity.

The department will continue grants to counties for air quality activities at the level of $95,000 in each fiscal year.

The subdivision bureau will be operated solely from fees collected for subdivision review.

In item 3b, $48,500 from fee revenues is authorized only for equipment purchases in the 1985 biennium.

In item 4c, $77,500 is allocated for the hypertension program in fiscal 1985. If the federal requirement for hypertension is less than $77,500 in fiscal 1985, all remaining funds from the hypertension allocation shall be distributed to the county for emergency medical services training activities.

Included in the appropriation in item 6a is $138,904 of federal block grant carryover funds. The department is responsible for obtaining the required match for these funds. If no match is obtained, the carryover will revert to the federal government.

In item 9, if federal funds are less than $125,892 in fiscal 1985, this program will cease and any remaining general fund will revert.

The total appropriations for the department include $1,546,949 in fiscal 1984 and $1,407,745 in fiscal 1985 from the Maternal and Child Health Block Grant and $607,264 in fiscal 1984 and $607,264 in fiscal 1985 from the preventative health block grant. To the extent revenues from ~~this grant~~ these grants exceed those amounts, it shall be distributed to the counties. To the extent revenues from ~~this grant~~ these grants are less than these amounts, distributions to the counties shall be reduced.

DEPARTMENT OF LABOR & INDUSTRY

1. Director's Office										
			177,736		177,736			179,271		179,271
2. Labor Standards										
	~~481,491~~	2,800	17,000		~~501,291~~	~~489,794~~	2,800	18,000		~~510,594~~
	480,924				500,724	488,622				509,422
3. Personnel Appeals										
a. Operations										
	~~352,702~~		8,000		~~360,702~~	~~355,834~~		8,000		~~363,834~~
	352,139				360,139	354,723				362,723
b. Case Printing										
	4,000				4,000				3,500	3,500
~~c. Grievance Officer~~										
	~~25,566~~				~~25,566~~	~~25,437~~				~~25,437~~
4. Human Rights										
	~~175,212~~		138,274		~~313,486~~	~~167,934~~		127,781		~~295,715~~

	Fiscal 1984					Fiscal 1985				
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	
	174,926				313,200	167,374				29
5. Employment Security Division										
a. Job Services										
			14,289,906		14,289,906			14,654,004		14,65
b. Unemployment Insurance										
			2,317,918		2,317,918			2,377,566		2,37
c. Central Services										
			~~4,496,974~~		~~4,496,974~~			~~4,679,226~~		~~4,67~~
			4,485,373		4,485,373			4,647,367		4,64
d. CETA Subgrants										
			11,373,451		11,373,451			11,373,451		11,37
6. Workers' Compensation										
a. Administration										
Operations										
		~~2,606,968~~	56,211		~~2,663,179~~		~~2,126,202~~	57,934		~~2,18~~
		2,606,471			2,662,682		2,124,714			2,18
b. Social Security Offsets										
	95,000				95,000	102,000				10
c. State Insurance Fund										
		~~2,436,106~~			~~2,436,106~~		~~2,588,333~~			~~2,58~~
		2,435,694			2,435,694		2,587,112			2,58
d. Insurance Compliance										
	705,060	~~502,042~~			~~1,207,102~~	623,308	~~491,449~~			~~1,11~~
		501,725			1,206,785		490,585			1,11
e. Safety & Health										
		~~901,626~~	38,547		~~940,173~~		~~874,473~~	38,601		~~91~~
		901,602			940,149		874,345			91
f. Audit										
		56,000			56,000					
Total										
	~~1,839,031~~	~~6,505,542~~	~~32,914,017~~		~~41,258,590~~	~~1,764,307~~	~~6,083,257~~	~~33,513,834~~	3,500	~~41,36~~
	~~1,837,615~~				~~41,257,174~~	~~1,761,464~~				~~41,36~~
	1,812,049	6,504,292	32,902,416		41,218,757	1,736,027	6,079,556	33,481,975		41,301

Item 3b is for indexing and printing of personnel appeals cases. Any fund balance remaining from fees charged for copies of cases shall revert at the end of fiscal 1985. ~~Item 3c is for a 1.0 FTE grievance appeals officer position and may be used only if HB 309, 1983, passes.~~

Included in item 4 are funds sufficient to reduce the caseload backlog to a maximum of 116 cases by June 30, 1985.

In item 5a, federal spending authority totaling $4,561,000 in fiscal 1984 and $4,835,000 in fiscal 1985 is to provide for current level operations of all existing job service offices and up to 155 FTE. If federal funds for job services are less than these amounts, the department may supplement federal funds with state unemployment taxes collected specifically for the administration of local job service offices.

Item 6b is for social security offset payments. No transfers may be made out of this line item.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

1. Assistance Payments								
a. Operations								
	~~593,096~~	1,826,352	~~2,419,448~~	~~609,727~~	1,886,736	~~2,496~~
	590,307		2,416,659	603,859		2,490
b. Benefits						
i. AFDC						
	7,233,141	17,864,151	25,097,292	7,498,510	18,351,398	25,849
ii. Nonresident General Assistance						
	50,000		50,000	50,000		50
iii. Other Benefits						
	~~145,645~~	~~13,309,570~~	13,455,215	~~156,708~~	~~12,755,600~~	12,912
	191,204	13,264,011		206,049	12,706,259	
Total						
	~~8,021,882~~	~~33,000,073~~	~~41,021,955~~	~~8,314,945~~	~~32,993,734~~	~~41,308~~
	~~8,019,093~~		41,019,166	~~8,309,077~~		41,302
	8,064,652	32,954,514		8,358,418	32,944,393	
2. Social Services						
a. Operations						
	~~1,131,580~~	7,575,373	~~8,706,953~~	~~1,131,191~~	7,609,909	~~8,741~~
	1,126,528		8,701,901	1,120,677		8,730
b. Benefits						
i. Foster Care						

Fiscal 1984 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1985 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
A. Foster Family									
771,945		1,107,818		1,879,763	824,864		1,167,684		1,992,548
B. ~~Group Homes~~ Other Foster Care									
~~265,271~~		~~380,692~~		~~645,963~~	~~283,457~~		~~401,264~~		~~684,721~~
1,129,169		1,620,470		2,749,639	1,206,577		1,708,040		2,914,617
~~C. In-state Treatment~~									
~~542,230~~		~~778,153~~		~~1,320,383~~	~~679,401~~		~~820,205~~		~~1,399,606~~
~~D. Out-of-state Treatment~~									
~~247,779~~		~~355,587~~		~~603,366~~	~~264,765~~		~~374,803~~		~~639,568~~
~~E. Care & Professional~~									
~~73,889~~		~~106,038~~		~~179,927~~	~~78,964~~		~~111,768~~		~~190,722~~
ii. Medicaid Prescreening									
331,035		(117,600)		213,435	348,088		(119,505)		228,583
iii. Other Benefits									
1,582,007		4,526,962		6,108,969	1,628,625		4,503,532		6,132,157
Total									
~~4,945,736~~		14,713,023		~~19,658,759~~	~~5,139,345~~		14,869,660		~~20,009,005~~
4,940,684				19,653,707	5,128,831				19,998,491
Eligibility Determination									
		~~6,012,101~~		~~6,012,101~~			~~6,007,757~~		~~6,007,757~~
		6,314,827		6,314,827			6,310,483		6,310,483
Administration and Support									
a. Operations									
~~587,989~~		2,232,784		~~2,820,773~~	~~594,441~~		2,259,605		~~2,854,046~~
585,567				2,818,351	590,240				2,849,845
b. Legislative Audit									
25,488		94,512		120,000					
Total									
~~613,477~~		2,327,296		~~2,940,773~~	~~594,441~~		2,259,605		~~2,854,046~~
611,055				2,938,351	590,240				2,849,845
Medical Assistance									
a. Operations									
~~971,715~~		1,481,912		~~2,453,627~~	~~838,325~~		1,544,915		~~2,383,240~~
961,314				2,443,226	824,824				2,369,739
b. Claim System Conversion									
100,000		900,000		1,000,000					
c. Benefits									
i. Medicaid - Institution Reimbursement									
3,778,036		6,117,291		9,895,327	3,993,885		7,005,521		10,999,406
ii. Medicaid - All Other									
29,553,905		47,852,865		77,406,770	29,786,296		52,247,018		82,033,314
iii. Other Benefits									
~~867,213~~		1,999,144		~~2,866,357~~	~~911,746~~		2,117,187		~~3,028,933~~
742,213				2,741,357	786,746				2,903,933
iv. Contingency									
4,855,461				4,855,461					
Total									
~~40,126,330~~		58,351,212		~~98,477,542~~	~~35,530,252~~		62,914,641		~~98,444,893~~
~~40,115,929~~				~~98,467,141~~	~~35,616,751~~				~~98,431,392~~
39,990,929				98,342,141	35,391,751				98,306,392
Audit and Program Compliance									
~~451,949~~		~~748,633~~		~~1,200,582~~	~~455,480~~		~~758,727~~		~~1,214,207~~
~~451,258~~				~~1,199,891~~	~~454,051~~				~~1,212,778~~
461,509		758,884		1,220,393	464,302		768,978		1,233,280
Vocational Rehabilitation									
~~515,441~~	626,065	3,373,168		~~4,514,674~~	~~618,309~~	663,629	3,383,253		~~4,665,191~~
512,989				4,512,222	613,207				4,660,089
Disability Determination									
		2,049,333		2,049,333			2,186,273		2,186,273
Visual Services									
~~263,415~~		526,142		~~789,557~~	~~272,997~~		528,446		~~801,443~~
262,688				788,830	271,495				799,941
Developmental Disabilities									
a. Operations									
~~514,386~~		516,307		~~1,030,693~~	~~512,664~~		516,718		~~1,029,382~~
512,465				1,028,772	508,648				1,025,366
b. Benefits									
10,690,914		~~2,680,716~~		~~13,371,630~~	11,538,763		~~2,711,233~~		~~14,249,996~~
		2,518,216		13,209,130			2,548,733		14,087,496

	Fiscal 1984					Fiscal 1985				
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	T
Total										
	~~11,205,300~~		~~3,197,023~~		~~14,402,323~~	~~12,051,427~~		~~3,227,951~~		~~15,279,~~
	11,203,379				~~14,400,402~~	12,047,411				~~15,275,~~
			3,034,523		14,237,902			3,065,451		15,112,
11. DDPAC										
a. Operations										
			~~55,347~~		~~55,347~~			~~56,895~~		~~56,~~
			87,500		87,500			87,500		87,
b. Benefits										
			~~32,153~~		~~32,153~~			~~30,605~~		~~30,~~
			162,500		162,500			162,500		162,
Total										
			~~87,500~~		~~87,500~~			~~87,500~~		~~87,~~
			250,000		250,000			250,000		250,0
~~12. Veterans' Affairs~~										
	~~464,496~~				~~464,496~~	~~466,482~~				~~466,~~
	~~467,676~~				~~467,676~~	~~469,852~~				~~469,~~
	~~467,097~~				~~467,097~~	~~468,663~~				~~468,~~
TOTAL SRS										
	~~66,608,026~~	626,065	~~124,285,504~~		~~191,619,595~~	~~63,443,678~~	663,629	~~129,217,547~~		~~193,324,~~
	~~66,584,172~~				~~191,595,741~~	~~63,399,726~~				~~193,280,~~
	66,047,885		124,652,922		191,326,872	62,865,655		129,481,183		193,010,

In each fiscal year, 10% of the Low Income Energy Block Grant shall be transferred to the Social Services Block Grant. If the transfer is greater than $1,110,730 in either fiscal year, a general fund amount equal to that amount above $1,110,730 shall go into the contingency fund.

Item 1bi is for AFDC payments for an average case load of 6,800. The payment standard may not exceed 51% of the poverty index ~~in fiscal 1984 and the payment standard shall increase 3% in fiscal 1985~~. Should the average case load be less than 6,800, a pro rata portion of spending authority shall go into the contingency fund for each case below 6,800.

No funds may be transferred out of item 1bii.

The department may not consider donated funds obtained by foster care providers when allocating or contracting state payments for foster care services.

~~No transfers may be made out of items 2biA through 2biE.~~

In fiscal 1984 foster family payment rates shall be $257 for children 0 to 12 years of age and $321 for children 13 years and older; and in fiscal 1985 the foster family payment shall be $272 for children 0 to 12 years of age and $340 for children 13 years and older. In-state group home providers shall receive on the average a 6% increase in funds per client disbursed from the department of SRS for each fiscal year.

No FTE or spending authority may be transferred into or out of the eligibility determination program.

Items 5b and 5civ are biennial appropriations.

Item 5cii includes medicaid funding for 6,800 AFDC recipients. If these funds are not needed to support the AFDC case load, the funds may not be used to expand the scope and duration of the medicaid program.

Item 5civ may be used for the following benefits if the required conditions occur:

1. AFDC - if the average fiscal year case load exceeds 6,800.

2. Other Medicaid - if optional medicaid services are no longer available because the average fiscal year AFDC case load exceeds 6,800 or if the number of nursing home days is greater than 1,263,327 in fiscal 1984 or 1,259,875 in fiscal 1985.

3. Foster Care - if expenditures for foster care exceed the appropriation for foster care after giving each provider not more than a 6% increase in funding disbursed by SRS each year of the 1985 biennium.

4. SSI - if the number of persons eligible for Supplemental Security Income payments is greater than 752 in fiscal 1984 or 797 in fiscal 1985, not including those persons who were budgeted for SSI payments under the medicaid waiver or the developmental disabilities budget.

5. Replace Federal Medicaid Funds - if the average federal medicaid matching rate is below .6369 in fiscal 1985, these funds may be used to supplement the federal funds due to the lower medicaid rate.

The contingency fund shall be used to maintain AFDC, optional medicaid, nursing homes, foster care, and SSI benefits for those who qualify under rules and laws in effect on January 1, 1983, but may not be used to directly or indirectly expand the ~~type or number of services offered to an individual~~ scope or duration of services offered under a program.

Fiscal 1984 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1985 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total

The Department of Social and Rehabilitation Services may use these funds and is appropriated the corresponding matching federal, private, or county funds for one or more of the benefits defined above if, for each benefit for which the funds are used, the department certifies and provides written justification in which the Office of Budget and Program Planning concurs that the required condition has occurred.

Item 6 contains funding for two FTE who shall work solely on medicaid.

No FTE or spending authority may be transferred into or from the disability determination program.

The cost per case reviewed by the disability determination program may not increase more than 6% per year above the fiscal 1983 estimated cost of $195.

The department may not consider donated funds obtained by developmental disability providers when allocating or contracting state payments for developmental disability services.

~~Included in item 10b for developmentally disabled (DD) benefits is $162,500 each fiscal year from federal DDPAC funds to be used for direct client services. It is the Legislature's intent that these services be the expanded foster care program for DD as proposed in the executive budget.~~

Within appropriated funds for the DDPAC program, no more than $175,000 for the biennium is for the operation of the developmental disabilities planning and advisory council. Any federal money received above this amount may be spent only to improve direct client services as recommended by the council and approved by the SRS director.

It is the Legislature's intent that DDPAC grant money be used so that the foster care program for the developmentally disabled is funded at the same level as proposed in the executive budget. The DDPAC grant money shall be used as proposed in the executive budget unless the department can utilize other funding sources.

TOTAL SECTION B									
~~71,948,252~~	~~8,590,655~~	~~170,277,175~~	~~88,028~~	~~250,904,110~~	~~68,686,301~~	~~8,193,232~~	~~175,734,751~~	~~91,064~~	~~252,705,348~~
~~71,969,510~~	~~8,810,655~~	~~172,345,203~~		~~253,115,368~~	~~68,686,933~~		~~175,822,316~~	3,500	~~252,705,980~~
71,403,121	9,013,405	172,951,853		253,368,379	68,132,436	8,393,531	176,053,202		252,582,669

C. NATURAL RESOURCES

PUBLIC SERVICE COMMISSION									
1. Operations									
~~1,462,915~~		41,989		~~1,504,904~~	~~1,465,956~~		36,974		~~1,502,930~~
~~1,460,574~~				~~1,502,563~~	~~1,461,360~~				~~1,498,334~~
1,460,164				1,502,153	1,460,123				1,497,097
2. Audit									
11,000				11,000					
3. Additional Operations									
70,349				70,349	173,062				173,062
Total									
~~1,473,915~~		41,989		~~1,515,904~~	~~1,465,956~~		36,974		~~1,502,930~~
~~1,541,923~~				~~1,583,912~~	~~1,634,422~~				~~1,671,396~~
1,541,513				1,583,502	1,633,185				1,670,159

~~The appropriation in item 3 is contingent upon the Montana Public Service Commission instituting a rule to set the cost of a motor vehicle identification stamp at a minimum of $6 per stamp by January 1, 1984.~~

DEPARTMENT OF LIVESTOCK									
1. Central Services									
a. Operations									
~~63,645~~	257,602			~~321,247~~	~~65,430~~	264,752			~~330,182~~
63,452				321,054	65,080				329,832
b. Audit									
3,000	12,000			15,000					
2. Diagnostic Lab									
~~328,740~~	351,379			~~680,119~~	~~347,462~~	370,657			~~718,119~~
328,168				679,547	346,252				716,909
3. Disease Control									
	509,348			509,348		517,471			517,471
4. Milk and Eggs									
~~197,626~~		14,500		~~212,126~~	~~200,086~~		14,500		~~214,586~~
197,382				211,882	199,578				214,078
5. Inspection and Control									
	1,953,747			1,953,747		1,949,327			1,949,327
6. Beef and Pork Research & Marketing									
		505,000		505,000			505,000		505,000

	Fiscal 1984 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1985 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	T
7. Predatory Animal		307,809			307,809		318,497			318
8. Rabies and Rodent Control	89,745	15,000			104,745	87,184	15,000			102
Total	~~682,756~~	3,406,885	519,500		~~4,609,141~~	~~700,162~~	3,435,704	519,500		~~4,656~~
	681,747				4,608,132	698,094				4,653
DEPARTMENT OF AGRICULTURE										
1. Centralized Services										
a. Operations	~~208,251~~	27,617	51,175	3,885	~~290,928~~	~~204,958~~	32,345	50,730	3,885	~~291~~
	~~167,571~~				~~250,248~~	~~164,434~~				~~261~~
	~~167,312~~				~~249,989~~	~~164,067~~				~~251~~
	207,992				290,669	204,591				291
b. Audit	12,108	1,915	3,977		18,000					
2. Rural Development			52,445		52,445			53,041		53
3. Hail Insurance			158,089		158,089			160,488		160,
4. Crop and Livestock	61,006		24,735		85,741	66,986		24,735		91,
5. Marketing and Transportation	~~30,937~~				~~30,937~~	~~31,422~~				~~31,~~
	30,897				~~30,897~~	31,338				~~31,~~
			14,200		45,097			14,200		45,
6. Wheat Research and Marketing			817,289		817,289			853,449		853,
7. Environmental Management										
a. Operations	~~677,473~~	103,322	262,159		~~1,042,954~~	~~702,406~~	104,572	194,075		~~1,001,~~
	676,392				1,041,873	700,133				998,
b. Additional Operations	25,000				25,000	25,000				25,
8. Plant Industry	~~437,627~~	541,820	1,000	38,697	~~1,019,144~~	~~456,653~~	537,846	1,000	39,799	~~1,035,~~
	~~437,029~~				~~1,018,546~~	~~455,416~~				~~1,034,~~
	470,379				1,051,896	485,426				1,064,
Total	~~1,427,402~~	674,674	~~1,370,869~~	42,582	~~3,515,527~~	~~1,462,425~~	674,763	~~1,337,518~~	43,684	~~3,518,~~
	~~1,384,744~~				~~3,472,869~~	~~1,417,940~~				~~3,473,~~
	1,483,774		1,385,069		3,586,099	1,513,474		1,351,718		3,583,

Item 1a Federal and Special Revenue includes ~~agency~~ expendable trust funds of $12,113 in fiscal 1984 and $12,086 in fiscal 1985 for hail insurance and $5,189 in fiscal 1984 and $5,196 in fiscal 1985 for federal rural development rehabilitation funds.

Items 2 and 3 are appropriated out of the expendable trust account.

The above appropriation includes $185,020 in fiscal 1984 and $114,164 in fiscal 1985 of Environmental Protection Agency funds. To the extent additional Environmental Protection Agency funds become available, the department is authorized to spend the federal funds. The general fund appropriation is reduced a like amount.

The appropriation in item 7b is contingent upon increased fees as provided in HB 802.

DEPARTMENT OF STATE LANDS										
1. Central Management										
a. Operations	~~816,866~~		~~94,918~~	85,645	~~997,429~~	~~801,485~~		~~97,077~~	90,060	~~988,6~~
	~~814,661~~				~~995,214~~	~~797,516~~				~~984,6~~
	854,360		119,701		1,059,706	836,492		122,755		1,049,3
b. Audit	22,045		2,490	2,305	26,840					

Funds saved up to $130,769 by cost efficiencies in any department of state lands' program may be utilized by the department of state lands for developing data processing.

2. Reclamation	~~923,142~~	~~7,526,539~~	~~8,449,681~~	~~943,607~~	~~7,232,463~~	~~8,176,07~~
	923,132	7,526,445	8,449,577	943,570	7,232,132	8,175,70

Fiscal 1984 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1985 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
Land Administration									
~~307,698~~	86,509			~~394,207~~	~~304,480~~	87,438			~~391,918~~
307,234				393,743	303,616				391,054
Resource Development									
	~~708,002~~			~~708,002~~		~~713,501~~			~~713,501~~
	707,968			707,968		713,373			713,373
Forestry									
~~3,810,403~~	1,506,675	~~1,259,000~~		~~6,576,078~~	~~4,015,893~~	1,525,130	~~1,239,100~~		~~6,780,123~~
~~3,798,984~~				~~6,564,659~~	~~3,991,925~~				~~6,756,155~~
4,089,515		1,257,751		6,853,941	4,278,179		1,235,136		7,038,445
Total									
~~4,957,012~~	~~3,224,328~~	~~8,882,947~~	87,950	~~17,152,237~~	~~5,121,858~~	~~3,269,676~~	~~8,568,640~~	90,060	~~17,050,234~~
~~4,942,914~~				~~17,138,139~~	~~5,093,057~~				~~17,021,433~~
5,273,154	3,224,284	8,906,387		17,491,775	5,418,287	3,269,511	8,590,023		17,367,881

It is the intent of the 48th Legislature that future appropriations from Resource Indemnity Trust Interest nds not be made to fund general operating expenses of state agencies.

EPARTMENT OF FISH, WILDLIFE, AND PARKS

Centralized Services									
a. Operations									
	~~1,628,632~~	~~838,730~~	~~1,720,471~~	~~4,187,833~~		~~1,733,585~~	850,633	~~1,602,765~~	~~4,186,983~~
	1,565,895	849,768	1,768,113	4,183,776		1,637,320		1,687,765	4,175,718
b. Audit									
	~~21,320~~	~~11,038~~	~~22,642~~	55,000					
	55,000								
Ecological Services									
	~~569,865~~	~~249,456~~		~~819,321~~		~~581,216~~	~~249,425~~		~~830,641~~
	583,867	235,434		819,301		595,146	235,434		830,580
Fisheries									
	~~2,482,275~~	521,274		~~3,003,549~~		~~2,431,178~~	541,204		~~2,972,382~~
	2,479,787			3,001,061		2,423,841			2,965,045
Law Enforcement									
	~~3,903,901~~	66,618		~~3,970,519~~		~~3,899,758~~	67,444		~~3,967,202~~
	3,917,683			3,984,301		3,914,076			3,981,520
Wildlife									
	~~2,017,731~~	~~1,600,000~~		~~3,617,731~~		~~2,087,450~~	~~1,600,000~~		~~3,687,450~~
	2,017,116	1,635,000		3,652,116		2,083,654	1,665,500		3,749,154
Recreation and Parks									
~~629,894~~	~~1,873,612~~	1,030,535	125,540	~~3,659,581~~	~~662,319~~	~~1,887,334~~	1,030,535	108,454	~~3,688,642~~
628,519				~~3,658,206~~	659,430				~~3,685,753~~
	1,924,856			3,709,450		1,935,891			3,734,310
Conservation Education									
	~~792,305~~	75,907		~~868,212~~		~~807,081~~	75,847		~~882,928~~
	791,797			867,704		805,777			881,624
Administration									
	~~1,132,447~~	72,077		~~1,204,524~~		~~1,149,910~~	73,301		~~1,223,211~~
	1,136,447			1,208,524		1,153,910			1,227,211
a. Water Rights Lawyer									
		30,000		30,000			30,000		30,000
Total									
~~629,894~~	~~14,422,088~~	~~4,495,635~~	~~1,868,653~~	~~21,416,270~~	~~662,319~~	~~14,577,512~~	~~4,518,380~~	~~1,711,219~~	~~21,469,439~~
628,519				~~21,414,895~~	659,430				~~21,466,550~~
	14,472,448	4,516,613	1,893,653	21,511,233		14,549,615	4,569,898	1,796,219	21,575,162

The appropriations in ~~item~~ items 2 and 8 may be transferred to other programs during the biennium with ocumentation detailing all changes in FTE and funding in the Department of Fish, Wildlife, and Parks.

)EPARTMENT OF NATURAL RESOURCES AND CONSERVATION

. Centralized Services									
a. Operations									
~~1,121,977~~	~~345,676~~	29,009		~~1,496,662~~	~~1,094,820~~	~~372,971~~	29,686		~~1,497,477~~
~~1,119,615~~				~~1,494,300~~	~~1,090,565~~				~~1,493,222~~
1,118,160	345,190			1,492,359	1,086,885	371,745			1,488,316
b. Audit									
15,027	4,585	388		20,000					
. Oil & Gas									
	~~966,089~~			~~966,089~~		~~987,766~~			~~987,766~~
	965,838			965,838		986,824			986,824
. Conservation Districts									
	580,909	4,240		585,149		590,711	4,392		595,103

	Fiscal 1984 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1985 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	
4. Water Resources										
	~~1,506,389~~	~~3,627,836~~	79,214		~~5,213,439~~	~~536,005~~	~~4,300,739~~	52,826		~~4,88~~
	~~1,496,512~~				~~5,203,562~~	~~522,406~~				~~4,87~~
	2,771,908	2,377,248			5,228,370	1,797,082	3,050,151			4,90
a. Cooney Dam										
		160,474			160,474					
b. Tongue River										
		209,200			209,200					
c. Intake-Beaver Creek										
		65,000			65,000					
d. Compact Commission Travel										
	50,000				50,000	50,000				50
5. Energy										
	~~595,734~~	3,955,064	~~1,462,899~~		~~6,013,697~~	~~562,598~~	4,336,614	1,443,819		~~6,34~~
	591,750				~~6,009,713~~	554,943				6,33
			1,830,699		6,377,513					
Total										
	~~3,289,127~~	~~9,914,833~~	~~1,575,750~~		~~14,779,710~~	~~2,243,423~~	~~10,588,801~~	1,530,723		~~14,36~~
	~~3,272,904~~				~~14,763,487~~	~~2,217,914~~				~~14,33~~
	4,546,845	8,663,508	1,943,550		15,153,903	3,488,910	9,336,045			14,35

Items 4a, 4b, and 4c are biennial appropriations.

To facilitate the orderly transfer of duties from the Oil and Gas Commission to the Department of Revenue caused by the passage of Chapter 93, L. 1983, DNRC is authorized to transfer the appropriate personnel and earmarked revenue funds to the Department of Revenue during fiscal 1984.

The general fund appropriation of $186,000 to the Water Resources Division for fiscal year 1983 contained in HB 500, Laws of 1981, for a grant to an irrigation district formed to operate the Daly Ditch water project was conditioned for the purpose of operating and maintaining the project for 1 year. This condition is changed to allow the grant for the purpose of operating and maintaining the project for 2 years.

The state special revenue appropriations in item 4 include $25,000 from fees generated from water right transfers under the provisions of SB 401. The department may request additional funds through the budget amendment process.

It is the intent of the 48th Legislature that future appropriations from Resource Indemnity Trust Interest funds not be made to fund general operating expenses of state agencies.

DEPARTMENT OF COMMERCE

1. Business Licensing and Regulation - Program Support										
	~~19,955~~	66,930			~~86,885~~	~~34,812~~	66,930			~~101,~~
	19,917				86,847	34,730				101,
2. Weights and Measures Bureau										
	~~441,825~~				~~441,825~~	~~435,246~~				~~435,~~
	440,578				440,578	432,759				432,
3. Financial Division										
	~~685,353~~				~~685,353~~	~~683,991~~				~~683,~~
	683,606				683,606	680,514				680,
4. Milk Control Bureau										
		260,217			260,217		262,620			262,
5. Professional and Occupational Licensing										
		~~1,878,769~~			~~1,878,769~~		~~1,940,156~~			~~1,940,~~
		1,918,889			1,918,889		1,981,227			1,981,
6. Aeronautics Division										
		711,895		85,393	797,288		686,735		90,516	777,
7. Transportation Division										
	~~355,662~~	75,000	~~3,331,800~~		~~3,762,462~~	~~349,672~~	75,000	~~3,339,830~~		~~3,764,~~
	355,448				~~3,762,248~~	349,229				~~3,764,~~
			4,476,800		4,907,248			5,348,233		5,772,
8. Business Assistance										
	~~221,328~~		30,000		~~251,328~~	~~218,482~~				~~218,~~
	220,733				250,733	217,645				217,
9. Montana Promotion										
	~~874,848~~		350,000		~~1,224,848~~	~~911,804~~		350,000		~~1,261,~~
	868,914				1,218,914	899,798				1,249,
10. Housing Division										
			6,353,038	645,399	6,998,437			6,354,813	655,101	7,009,
11. Community Assistance										
a. Community Assistance										
	~~289,506~~	~~12,175,137~~	~~6,492,122~~		~~18,956,765~~	~~294,670~~	~~12,188,893~~	6,501,753		~~18,985,~~
	289,462				~~18,956,721~~	294,576				~~18,985,~~

	Fiscal 1984					Fiscal 1985				
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
		12,175,137	7,892,122		20,356,721		12,188,893			18,985,222
b. Hard Rock Mining		98,778			98,778		100,073			100,073
12. Economic Development Support										
	~~269,525~~	25,246			~~294,771~~	~~269,648~~	26,451			~~296,099~~
	269,348				294,594	269,279				295,730
13. Indian Affairs Coordinator										
	~~67,400~~				~~67,400~~	~~68,855~~				~~68,855~~
	~~67,198~~				~~67,198~~	~~68,435~~				~~68,435~~
	96,497				96,497	97,846				97,846
14. Director's Office										
	1,500			141,587	143,087	1,500			143,842	145,342
15. Centralized Services Division										
a. Operations										
				~~414,598~~	~~414,598~~				~~451,130~~	~~451,130~~
				441,748	441,748				423,980	423,980
b. Audit				54,300	54,300					
16. Legal Services Division										
	~~119,872~~			165,625	~~285,497~~	~~120,700~~			162,410	~~283,110~~
	119,598				285,223	120,146				282,556
17. Accounting and Management										
	356,912				356,912	89,211			267,701	356,912
18. Local Government Services										
	1,462,306			929,817	2,392,123	1,461,600			936,645	2,398,245
19. Public Contractor										
	26,939				26,939	26,939				26,939
Total										
	~~3,346,774~~	~~15,291,972~~	~~16,556,960~~	~~1,506,902~~	~~36,702,608~~	~~3,389,380~~	~~15,346,858~~	~~16,546,396~~	~~1,502,999~~	~~36,785,633~~
	~~3,336,302~~				~~36,692,136~~	~~3,368,611~~				~~36,764,864~~
	5,211,758	15,332,092	19,101,960	2,463,869	42,109,679	4,975,772	15,387,929	18,554,799	2,680,195	41,598,695

The appropriations in item 11b are for the biennium.

TOTAL SECTION C

	~~15,806,880~~	~~46,934,780~~	~~33,443,650~~	~~3,506,087~~	~~99,691,397~~	~~15,045,523~~	~~47,893,314~~	~~33,058,140~~	~~3,347,962~~	~~99,344,939~~
	~~15,789,053~~				~~99,673,570~~	~~15,089,468~~				~~99,388,884~~
	19,367,310	45,773,891	36,415,068	4,488,054	106,044,323	18,387,152	46,653,567	35,153,635	4,610,158	104,804,512

D. DEPARTMENT OF INSTITUTIONS

CENTRAL OFFICE

1. Director's Office										
	~~335,976~~			33,552	~~369,528~~	~~330,298~~			33,632	~~363,930~~
	335,646				369,198	329,770				363,402
2. Management Services Division										
	~~944,356~~				~~944,356~~	~~985,388~~				~~985,388~~
	942,269				942,269	981,259				981,259
3. Alcohol & Drug Abuse Division										
	219,606	291,242	501,653		1,012,501	230,925	311,343	514,947		1,057,215
4. Corrections Division										
a. Aftercare, Parole & Probation										
	~~4,432,944~~		2,981		~~4,435,925~~	~~4,520,055~~		3,074		~~4,523,129~~
	~~4,413,320~~				~~4,416,301~~	~~4,482,062~~				~~4,485,136~~
	4,469,969				4,472,950	4,532,945				4,536,019
b. Women's Corrections										
	~~742,202~~				~~742,202~~	~~759,659~~				~~759,659~~
	~~739,825~~				~~739,825~~	~~754,686~~				~~754,686~~
	738,775				738,775	752,207				752,207
c. Corrections Medical Expenses										
	701,433				701,433	743,520				743,520
5. Mental Health Division										
	~~3,981,427~~		1,519,229		~~5,500,656~~	~~4,117,114~~		1,529,980		~~5,647,094~~
	3,980,729				5,499,958	4,115,747				5,645,727
6. Community Pre-Release Centers										
	151,094				151,094					
7. Audit										
	35,000				35,000					
Total										
	~~11,544,038~~	291,242	2,023,863	33,552	~~13,892,695~~	~~11,686,959~~	311,343	2,048,001	33,632	~~14,079,935~~

	Fiscal 1984				Fiscal 1985				
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	To
	~~11,518,922~~				~~13,867,579~~	~~11,637,969~~				~~14,030,~~
	11,574,521				13,923,178	11,686,373				14,079,3

In item 4a, included for contracted services are $677,098 in fiscal 1984 and $717,724 in fiscal 1985 to provide for room and board for 50 inmates at two community pre-release centers other than Alpha House and the Missoula Life Skills Center. If delays occur in the opening of these pre-release centers, the director may utilize the contracted services funds to provide for room and board to house such inmates at the state prison. The director shall notify the Legislative Finance Committee and the Governor's budget office prior to any transfer of funds.

Item 6 reappropriates $151,094 for the biennium of general fund money appropriated in House Bill 2 from the second special session of the 47th Legislature for start-up costs for two new 25-bed pre-release centers, less any amount expended in fiscal 1983 for that purpose.

The department is authorized to maintain an aggregate funding level of $2,236,595 during fiscal 1984 and $2,467,723 during fiscal 1985 for those substance abuse programs that during fiscal 1983 were partially or totally funded under the provision of 53-24-206, MCA. The department is authorized to augment the actual funding available under 53-34-206, MCA, by utilizing available alcohol federal block grant funding to attain the aggregate funding levels specified above except that 25% of each federal fiscal year's block grant must be retained for the following state fiscal year. Expenditures of revenues available under 53-34-206, MCA, when combined with discretionary distribution of the alcohol federal block grant, may not exceed the aggregate funding totals specified above.

Contingent upon passage and approval of House Bill 24, the following general fund appropriations are transferred to the Department of Social and Rehabilitation Services: from item 4a, $595,337 in fiscal 1984 and $625,132 in fiscal 1985; from item 4c, $337 in fiscal 1984 and $357 in fiscal 1985; from item 5, $157,320 in fiscal 1984 and $166,759 in fiscal 1985.

BOULDER RIVER SCHOOL AND HOSPITAL

1. General Operations									
~~10,843,115~~	12,200	20,050		~~10,875,365~~	~~11,011,111~~	12,400	17,172		~~11,040,68~~
~~10,833,296~~				~~10,865,546~~	~~10,991,167~~				~~11,020,73~~
10,768,814				10,801,064	10,836,299				10,865,87
2. Audit									
17,250				17,250					
Total									
~~10,860,365~~	12,200	20,050		~~10,892,615~~	~~11,011,111~~	12,400	17,172		~~11,040,68~~
~~10,850,546~~				~~10,882,796~~	~~10,991,167~~				~~11,020,73~~
10,786,064				10,818,314	10,836,299				10,865,87

CENTER FOR THE AGED

1. General Operations									
~~2,510,293~~	11,245			~~2,521,538~~	~~2,553,574~~	11,503			~~2,565,07~~
~~2,506,168~~				~~2,517,413~~	~~2,545,172~~				~~2,556,67~~
2,497,345				2,508,590	2,523,258				2,534,76
2. Audit									
8,050				8,050					
Total									
~~2,518,343~~	11,245			~~2,529,588~~	~~2,553,574~~	11,503			~~2,565,07~~
~~2,514,218~~				~~2,525,463~~	~~2,545,172~~				~~2,556,67~~
2,505,395				2,516,640	2,523,258				2,534,76

EASTMONT

1. General Operations									
~~2,046,652~~		4,984		~~2,051,636~~	~~2,074,814~~		4,984		~~2,079,798~~
~~2,044,768~~				~~2,049,752~~	~~2,071,029~~				~~2,076,013~~
2,041,566				2,046,550	2,059,415				2,064,399
2. Audit									
7,500				7,500					
Total									
~~2,054,152~~		4,984		~~2,059,136~~	~~2,074,814~~		4,984		~~2,079,798~~
~~2,052,268~~				~~2,057,252~~	~~2,071,029~~				~~2,076,013~~
2,049,066				2,054,050	2,059,415				2,064,399

MOUNTAIN VIEW SCHOOL

1. General Operations									
~~1,581,067~~		28,927		~~1,609,994~~	~~1,597,294~~		29,256		~~1,626,550~~
~~1,579,364~~				~~1,608,291~~	~~1,593,965~~				~~1,623,221~~
1,573,723				1,602,650	1,579,923				1,609,179
2. Audit									

	Fiscal 1984					Fiscal 1985				
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total
	9,200				9,200					
Total										
	~~1,590,267~~		28,927		~~1,619,194~~	~~1,597,294~~		29,256		~~1,626,550~~
	~~1,588,564~~				~~1,617,491~~	~~1,593,965~~				~~1,623,221~~
	1,582,923				1,611,850	1,579,923				1,609,179
PINE HILLS SCHOOL										
1. General Operations										
	~~2,661,202~~	24,962	349,564		~~3,035,728~~	~~2,730,113~~	24,962	349,564		~~3,104,639~~
	~~2,667,726~~				~~3,032,252~~	~~2,723,116~~				~~3,097,642~~
	2,640,187				3,014,713	2,677,685				3,052,211
2. Audit										
	12,650				12,650					
Total										
	~~2,673,852~~	24,962	349,564		~~3,048,378~~	~~2,730,113~~	24,962	349,564		~~3,104,639~~
	~~2,670,376~~				~~3,044,902~~	~~2,723,116~~				~~3,097,642~~
	2,652,837				3,027,363	2,677,685				3,052,211
MONTANA STATE PRISON										
1. Care and Custody										
a. Operations										
	~~9,286,173~~	49,966	39,869		~~9,376,008~~	~~9,391,592~~	49,966	39,869		~~9,481,427~~
	~~9,268,204~~				~~9,358,039~~	~~9,354,476~~				~~9,444,311~~
	9,257,703				9,347,538	9,133,601				9,223,436
b. Workers' Compensation Payments										
						142,001				142,001
2. Ranch and Dairy										
				~~1,479,624~~	~~1,479,624~~				~~1,471,371~~	~~1,471,371~~
				1,472,289	1,472,289				1,453,100	1,453,100
3. Industry Program										
	89,748			449,693	539,441				482,918	482,918
4. Industry Training Program										
	~~184,084~~			~~175,383~~	~~359,467~~	~~130,379~~			~~216,643~~	~~347,022~~
	183,232				~~358,615~~	128,549				~~345,192~~
				174,097	357,329				213,562	342,111
5. Canteen										
		400,513			400,513		450,439			450,439
6. License Plate Factory										
		~~497,363~~			~~497,363~~		~~526,015~~			~~526,015~~
		496,041			496,041		522,895			522,895
7. Audit										
	12,483				12,483					
Total										
	~~9,572,488~~	~~947,842~~	39,869	~~2,104,700~~	~~12,664,899~~	~~9,521,971~~	~~1,026,420~~	39,869	~~2,170,932~~	~~12,759,192~~
	~~9,553,667~~				~~12,646,078~~	~~9,483,025~~				~~12,720,246~~
	9,543,166	946,520		2,096,079	12,625,634	9,404,151	1,023,300		2,149,580	12,616,900

In item 3, general fund totaling $89,748 in fiscal 1984 is a loan for the purposes of purchasing equipment. The department shall track this loan and previous general fund loans separately on the state budgeting and accounting system.

The department is authorized to contract for all or part of ranch and dairy management after consulting with the ranch policy board. The department is directed to explore the possibility of profit sharing in the context of contractual ranch and dairy management. Before any hay storage facilities are built or any equipment is purchased, the department shall consult with the ranch policy board.

The department may budget amend revolving account spending authority for expanded activities within the license plate factory.

SWAN RIVER YOUTH FOREST CAMP									
1. General Operations									
	~~822,408~~	50,475	28,511		~~901,394~~	~~828,962~~	50,475	28,766	~~908,203~~
	~~820,367~~				~~899,353~~	~~824,864~~			~~904,105~~
	819,800				898,786	821,875			901,116
2. Audit									
	6,900				6,900				
Total									
	~~829,308~~	50,475	28,511		~~908,294~~	~~828,962~~	50,475	28,766	~~908,203~~
	~~827,267~~				~~906,253~~	~~824,864~~			~~904,105~~

	Fiscal 1984 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1985 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	T
	826,700				905,686	821,875				901
VETERANS' HOME										
1. General Operations										
	~~608,452~~		~~1,021,630~~		~~1,630,082~~	~~547,943~~		~~1,283,790~~		~~1,831~~
	~~607,621~~				~~1,629,251~~	~~545,998~~				~~1,829~~
	603,426		1,014,528		1,617,954	535,560		1,266,116		1,801
2. Audit	6,900				6,900					
Total										
	~~615,352~~		~~1,021,630~~		~~1,636,982~~	~~547,943~~		~~1,283,790~~		~~1,831~~
	~~614,521~~				~~1,636,151~~	~~545,998~~				~~1,829~~
	610,326		1,014,528		1,624,854	535,560		1,266,116		1,801

The new wing at the Veterans' Home is scheduled to open February 1, 1984. If the start-up date is later than February 1, spending authority shall be decreased by $847.52 per day for the number of days between February 1 and the start-up date.

WARM SPRINGS/GALEN									
1. General Operations									
	~~19,162,573~~	1,653,423	34,638		~~20,850,634~~	~~18,212,855~~	1,704,281	17,897	~~19,935,~~
	~~19,131,312~~				~~20,819,373~~				
	~~19,112,523~~				~~20,800,584~~	~~18,176,193~~			~~19,898,~~
	18,703,668				20,391,729	16,949,299			18,671,
2. Workers' Compensation						896,764			896,
~~2~~3. Audit	28,000				28,000				
Total									
	~~19,190,573~~	1,653,423	34,638		~~20,878,634~~	~~18,212,855~~	1,704,281	17,897	~~19,935,~~
	~~19,140,523~~				~~20,828,584~~	~~18,176,193~~			~~19,898,~~
	18,731,668				20,419,729	17,846,063			19,568,~

Warm Springs State Hospital is budgeted for an average daily population of 350 patients in fiscal 1984 and 320 in fiscal 1985. Should the actual average daily population be less than the budgeted levels, there shall be a pro-rata personal service reversion for direct care services personnel based on the following direct care ratios: Registered Nurse - 1:11, Licensed Practical Nurse - 1:6.4, Special Duty Aides and Psychiatric Aides - 1:1.9.

A pro-rata portion of the supplies and materials appropriation directly attributable to the reduction in average daily population referred to above shall also revert.

Item 1 contains ~~$131,218~~ $99,900 for funding through December 31, 1983, for ~~16.79~~ 12.79 FTE food service positions, which will be eliminated once the food services of Warm Springs and Galen are consolidated. Should the consolidation occur prior to December 31, 1983, a pro-rata portion of the funding for the ~~16.79~~ 12.79 FTE positions described above shall revert. This reversion shall be calculated as ~~$713~~ $555 per day for each day the consolidation is in place before December 31, 1983.

YOUTH TREATMENT CENTER									
1. General Operations									
						~~1,844,155~~		38,011	~~1,882,1~~
						~~1,787,131~~			~~1,825,1~~
						~~1,784,780~~			~~1,822,7~~
						1,813,983			1,851,9

The Warm Springs appropriation assumes the transfer of all patients in the children's treatment unit to the Montana Youth Treatment Center in Billings by June 30, 1984. Should this transfer be delayed past June 30, 1984, the Department of Institutions is authorized to utilize the appropriation for the Montana Youth Treatment Center to maintain services at Warm Springs until such time as the entire transfer is completed. The daily cost of maintaining the children's treatment unit past June 30, 1984, shall be consistent with the expenditure level for the unit as established by the Warm Springs appropriation.

BOARD OF PARDONS									
1. General Operations									
	~~137,736~~				~~137,736~~	~~138,731~~			~~138,7~~
	~~138,636~~				~~138,636~~	~~139,631~~			~~139,6~~
	138,374				138,374	139,148			139,14
2. Audit	2,300				2,300				
Total									
	~~140,036~~				~~140,036~~	~~138,731~~			~~138,73~~
	140,674				140,674	139,148			139,14

Fiscal 1984 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total	Fiscal 1985 General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Total

If utilities expenditures exceed the amounts listed in the following table the institution may ask for a supplemental appropriation. If utilities do not exceed the anticipated amounts, the difference shall be reverted to the general fund.

	Fiscal 1984	Fiscal 1985
oulder River School & Hospital	~~623,081~~	~~758,489~~
	558,599	603,621
enter for the Aged	~~125,879~~	~~150,074~~
	117,056	128,160
astmont Training Center	~~88,249~~	~~110,222~~
	85,047	98,608
ountain View School	~~67,571~~	~~82,549~~
	61,930	68,507
ine Hills School	~~254,828~~	~~308,394~~
	237,284	262,963
ontana State Prison	~~423,383~~	~~511,389~~
	498,094	551,552
wan River Youth Forest Camp	~~55,933~~	~~65,850~~
	55,366	62,861
eterans' Home	~~149,952~~	~~192,246~~
	138,655	164,134
arm Springs/Galen State Hospital	~~1,484,238~~	~~1,735,010~~
	1,347,403	1,404,880
orrections Division	~~27,618~~	~~33,402~~
	25,511	27,814
omen's Prison	~~27,502~~	~~33,305~~
	26,137	30,549
outh Treatment Center	-0-	~~58,314~~
		33,232

Title I funding has not been included in the appropriation for any of the institutions. When Title I funding becomes available, it may be added by budget amendment.

OTAL SECTION D

~~61,588,774~~	~~2,991,389~~	~~3,552,036~~	~~2,138,252~~	~~70,270,451~~	~~62,748,482~~	~~3,141,384~~	~~3,857,310~~	~~2,204,564~~	~~71,951,740~~
~~61,471,546~~				~~70,153,228~~	~~62,516,426~~				~~71,719,684~~
61,003,340	2,990,067	3,544,934	2,129,631	69,667,972	61,923,733	3,138,264	3,839,636	2,183,212	71,084,845

E. OTHER EDUCATION

OARD OF PUBLIC EDUCATION									
. Board Administration									
a. Operations									
~~99,459~~				~~99,459~~	~~98,529~~				~~98,529~~
99,152				99,152	97,982				97,982
b. Audit									
2,000				2,000					
Total									
~~101,459~~				~~101,459~~	~~98,529~~				~~98,529~~
101,152				101,152	97,982				97,982
. Fire Services Training School									
a. Operations									
~~224,871~~				~~224,871~~	~~217,445~~				~~217,445~~
224,483				224,483	216,677				216,677
b. Audit									
2,000				2,000					
Total									
~~226,871~~				~~226,871~~	~~217,445~~				~~217,445~~
226,483				226,483	216,677				216,677
. Montana School for the Deaf & Blind									
a. Administration									
~~163,243~~				~~163,243~~	~~164,725~~				~~164,725~~
163,013				163,013	164,543				164,543
b. General Services									
~~190,522~~				~~190,522~~	~~180,474~~				~~180,474~~
189,963				189,963	179,373				179,373
c. Utilities									
~~118,395~~				~~118,395~~	~~144,047~~				~~144,047~~
109,019				109,019	120,059				120,059

d. Student Services							
~~551,353~~		30,000	~~581,353~~	~~555,867~~		30,000	~~585,~~
550,280			580,280	553,627			583,
e. Education							
~~854,133~~		385,965	~~1,240,098~~	~~877,321~~		359,296	~~1,236,~~
853,201			1,239,166	875,373			1,234,
f. Title VI-C							
30,000			30,000	30,000			30,
g. Audiological Services							
~~1,425,626~~			~~1,425,626~~				
~~1,412,049~~			~~1,412,049~~				
1,439,203			1,439,203				
h. Audit							
15,000			15,000				
Total							
~~3,348,272~~		415,965	~~3,764,237~~	~~1,952,434~~		389,296	~~2,341,~~
~~3,331,901~~			~~3,747,866~~	~~1,946,963~~			~~2,336,~~
3,349,679			3,765,644	1,922,975			2,312,

Item 3(c) is for utilities expense only. Any unexpended balance remaining at the end of each fiscal year shall revert to the state general fund.

Item 3(f) is for the Title VI-C education program. Any unexpended balance remaining at the end of each fiscal year shall revert to the state general fund.

Item 3(g), audiological services, is for the biennium. Any unexpended balance at the end of fiscal 1985 shall revert to the state general fund. No administrative costs may be taken from item 3(g) for the Montana School for the Deaf and Blind.

Federal special revenue funds appropriated in item 3(e) include $185,965 in fiscal 1984 and $159,296 in fiscal 1985 for Chapter 1 funds. The School for the Deaf and Blind may not budget amend Chapter 1 funds in the event Chapter 1 funds received by the School exceed the amounts appropriated each year of the biennium.

OFFICE OF PUBLIC INSTRUCTION

1. Chief State School Officer							
~~106,305~~		20,000	~~126,305~~	~~108,398~~		15,000	~~123,3~~
105,460			125,460	107,480			122,4
2. Audit							
42,000			42,000				
3. Basic Skills							
~~911,677~~	~~253,486~~	195,766	~~1,360,929~~	~~917,889~~	~~258,008~~	195,751	~~1,371,6~~
~~910,551~~			~~1,359,803~~	~~915,591~~			~~1,369,3~~
910,443	253,378		1,359,587	915,274	257,691		1,368,7
4. Vocational Education							
~~326,019~~		382,388	~~708,407~~	~~330,693~~		382,388	~~713,0~~
325,496			707,884	329,616			712,0
~~5. Financial Services~~							
~~378,220~~	~~356,038~~	~~335,922~~	~~1,070,180~~	~~384,850~~	~~368,055~~	~~338,922~~	~~1,091,8~~
65. Administrative Services							
~~390,377~~	~~137,859~~	~~271,682~~	~~799,918~~	~~385,755~~	~~137,246~~	~~295,814~~	~~818,8~~
~~768,597~~	493,897	607,604	~~1,870,098~~	~~770,605~~	505,301	634,736	~~1,910,6~~
~~766,802~~			~~1,868,303~~	~~766,806~~			~~1,906,8~~
786,774			1,888,275	786,657			1,926,69
76. Special Services							
~~141,488~~		~~1,010,087~~	~~1,151,575~~	~~142,982~~		~~1,023,968~~	~~1,166,9~~
141,083			~~1,151,170~~	142,147			~~1,166,11~~
		1,295,087	1,436,170			1,258,968	1,401,11
87. School Transportation							
5,633,000			5,633,000	6,086,000			6,086,00
98. Gifted and Talented Grants							
200,000			200,000				
~~109~~. School Lunch							
659,787			659,787	659,787			659,78
~~11~~10. Secondary Vocational Education							
1,500,000			1,500,000				
~~12~~11. Adult Basic Education							
140,820			140,820		149,270		149,27
~~13~~12. Special Education							
26,197,622			26,197,622	27,249,629			27,249,62
~~14~~13. Special Education Contingency							
500,000			500,000	500,000			500,00
Total							
~~36,986,495~~	~~888,203~~	~~2,215,845~~	~~40,090,543~~	~~36,765,983~~	~~912,579~~	~~2,251,843~~	~~39,930,40~~
~~36,981,801~~			~~40,085,849~~	~~36,757,056~~			~~39,921,47~~
37,001,665	888,095	2,500,845	40,390,605	36,776,590	912,262	2,486,843	40,175,69

All revenues received in the state traffic education account under the provisions of section 20-7-504, MCA, are appropriated to be distributed as provided in section 20-7-506, MCA.

The appropriations in items 2, ~~9, and 11~~ 8, and 10 are for the biennium.

State and federal funds appropriated in items 1 and 3 through ~~7~~ 6 include internal transfers of indirect costs. The amount of indirect costs in excess of $444,292 in fiscal 1984 and $453,088 in fiscal 1985 that are recovered shall revert to the general fund.

Special Education funds in item ~~13~~ 12 are for foundation and permissive support of the maximum-budget-without-a-vote for special education.

Special Education contingency funds in item ~~14~~ 13 are for emergencies that may arise in special education programs at local districts. A district's board of trustees may apply for an allocation from these funds by presenting to the superintendent of public instruction a child-study team report and an individual education plan for each child relating to this unforeseen expense, a current listing of program, case loads, and related costs. The contingency appropriation is for the biennium and the specific amounts may be transferred between fiscal years.

Notwithstanding other provisions of law, the superintendent may not approve a maximum-budget-without-a-vote for special education which, in the aggregate, exceeds $54,447,251 in the 1985 biennium.

The superintendent of public instruction may use the special education and contingency funds to pay directly to the special education cooperatives if requested by the participating districts in accordance with section 20-7-451(3), MCA.

BILLINGS VOCATIONAL TECHNICAL CENTER

1. Personal Services								
	620,700	453,600	119,348	1,193,648	665,150	464,350	125,500	1,255,000
2. Operating Expenses								
	~~86,778~~	201,486	32,004	~~319,263~~	~~92,446~~	236,551	36,800	~~365,797~~
	~~84,677~~			~~318,167~~	~~90,182~~			~~363,533~~
	79,346			312,836	75,250			348,601
3. Equipment								
	393	16,307	11,648	28,348	25,831	16,139	700	42,670
4. Audit								
	17,500			17,500				
Total								
	~~724,366~~	671,393	163,000	~~1,558,759~~	~~783,427~~	717,040	163,000	~~1,663,467~~
	~~723,270~~			~~1,557,663~~	~~781,163~~			~~1,661,203~~
	717,939			1,552,332	766,231			1,646,271

BUTTE VOCATIONAL TECHNICAL CENTER

1. Personal Services								
	587,836	213,853	210,000	1,011,689	609,400	210,153	231,100	1,050,653
2. Operating Expenses								
	~~39,578~~	121,861	45,000	~~206,439~~	~~48,691~~	172,654	30,000	~~251,345~~
	~~38,625~~			~~205,486~~	~~46,588~~			~~249,242~~
	37,472			204,333	43,062			245,716
3. Equipment								
	4,049		8,075	12,124	8,776	568	1,975	11,319
4. Audit								
	17,500			17,500				
Total								
	~~648,963~~	335,714	263,075	~~1,247,752~~	~~666,867~~	383,375	263,075	~~1,313,317~~
	~~648,010~~			~~1,246,799~~	~~664,764~~			~~1,311,214~~
	646,857			1,245,646	661,238			1,307,688

GREAT FALLS VOCATIONAL TECHNICAL CENTER

1. Personal Services								
	548,000	386,637	184,255	1,118,892	657,350	358,500	179,291	1,195,141
2. Operating Expenses								
	~~61,344~~	165,849	43,450	~~270,643~~	~~71,494~~	193,836	47,174	~~312,504~~
	~~60,441~~			~~269,740~~	~~69,622~~			~~310,632~~
	56,486			265,785	58,432			299,442
3. Equipment								
	22,500	15,162	9,205	46,867	18,667	13,657	10,445	42,769
4. Audit								
	17,500			17,500				
Total								
	~~649,344~~	567,648	236,910	~~1,453,902~~	~~747,511~~	565,993	236,910	~~1,550,414~~
	~~648,441~~			~~1,452,999~~	~~745,639~~			~~1,548,542~~
	644,486			1,449,044	734,449			1,537,352

HELENA VOCATIONAL TECHNICAL CENTER

1. Personal Services								
	1,004,300	359,148	205,772	1,569,220	984,195	416,275	200,541	1,601,011
2. Operating Expenses								
	~~207,942~~	183,872	58,800	~~450,614~~	~~194,384~~	240,266	65,531	~~500,181~~
	~~206,948~~			~~448,620~~	~~190,342~~			~~496,139~~

198,509				441,181	170,763				476
3. Equipment									
55,257	6,123	9,100		70,480	36,380	14,648	7,600		58
4. Audit									
17,500				17,500					
Total									
~~1,284,999~~	549,143	273,672		~~2,107,814~~	~~1,214,959~~	671,189	273,672		~~2,159~~
~~1,283,005~~				~~2,105,820~~	~~1,210,917~~				~~2,155~~
1,275,566				2,098,381	1,191,338				2,136
MISSOULA VOCATIONAL TECHNICAL CENTER									
1. Personal Services									
1,024,623	403,200	184,999		1,612,822	976,700	472,100	179,009		1,627
2. Operating Expenses									
~~213,654~~	196,986	56,280		~~466,920~~	~~202,424~~	255,256	57,145		~~514~~
~~211,566~~				~~464,832~~	~~198,212~~				~~510~~
205,700				458,966	181,495				493
3. Equipment									
30,500	26,607	721		57,828	45,243	5,897	5,846		56
4. Audit									
17,500				17,500					
Total									
~~1,286,277~~	626,793	242,000		~~2,155,070~~	~~1,224,367~~	733,253	242,000		~~2,199,~~
~~1,284,189~~				~~2,152,982~~	~~1,220,155~~				~~2,195,~~
1,278,323				2,147,116	1,203,438				2,178,

Receipt of state funds appropriated to the five vocational technical centers is contingent upon each county in which the center resides levying 1.5 mills each fiscal year. Millage received by the centers from the 1.5 mill levy over $823,751 in fiscal 1984 and $842,220 in fiscal 1985 will revert a like amount to the general fund each year.

MONTANA ADVISORY COUNCIL FOR VOCATIONAL EDUCATION									
1. Operations									
		92,221		92,221			95,231		95,
2. Audit									
		3,000		3,000					
Total									
		95,221		95,221			95,231		95,
MONTANA ARTS COUNCIL									
1. Operations									
~~113,330~~		386,474		~~499,804~~	~~115,624~~		391,583		~~507,~~
~~112,289~~				~~498,763~~	113,586				505,
126,851				513,325					
2. Audit									
4,180		4,180		8,360					
Total									
~~117,510~~		390,654		~~508,164~~	~~115,624~~		391,583		~~507,~~
~~116,469~~				~~507,123~~	113,586				505,
131,031				521,685					
MONTANA HISTORICAL SOCIETY									
1. Administration									
~~327,243~~		55,184		~~382,427~~	~~331,798~~		57,551		~~389,~~
325,889				381,073	329,171				386,7
2. Library Program									
~~133,976~~		14,132		~~148,108~~	~~135,277~~		14,715		~~149,~~
133,721				147,853	134,743				149,4
3. Museum Program									
~~208,432~~				~~208,432~~	~~211,304~~				~~211,~~
207,979				207,979	210,357				210,3
4. Publications Program									
~~37,930~~			253,759	~~291,689~~	~~38,153~~			258,450	~~296,6~~
37,510				291,269	37,316				295,7
5. Historical Sites Preservation Program									
~~67,375~~		67,474		~~134,849~~	~~68,028~~		68,215		~~136,~~
67,275				134,749	67,841				136,0
6. Archives Program									
~~203,594~~		6,665		~~210,259~~	~~204,024~~		6,736		~~210,7~~
203,465				210,130	203,758				210,4
7. Education Program									
~~29,612~~		66,560		~~96,172~~	~~32,066~~		68,869		~~100,9~~
29,495				96,055	31,792				100,6
8. Audit									
12,775		1,050	3,675	17,500					

Total									
~~1,020,937~~		211,065	257,434	~~1,489,436~~	~~1,020,650~~		216,086	258,450	~~1,495,186~~
1,018,109				1,486,608	1,014,978				1,489,514
MONTANA STATE LIBRARY									
1. General Library Services Program									
~~234,128~~	389,000	134,825		~~757,953~~	~~245,027~~	495,000	133,000		~~873,027~~
233,364				757,189	243,387				871,387
2. Library Network Program									
~~96,114~~	61,268	67,263		~~224,645~~	~~100,657~~	64,944	66,360		~~231,961~~
95,552				224,083	99,478				230,782
3. Institutional Library Services Program									
~~55,504~~		59,507		~~115,011~~	~~57,209~~		58,716		~~115,925~~
55,452				114,959	57,100				115,816
4. Library Services - Physical Handicapped Program									
~~68,932~~		61,603		~~130,535~~	~~72,561~~		60,779		~~133,340~~
68,751				130,354	72,172				132,951
5. Administration Program									
~~78,222~~		44,362		~~122,584~~	~~79,137~~		43,705		~~122,842~~
78,110				122,472	78,999				122,704
6. Audit									
8,000				8,000					
Total									
~~540,900~~	450,268	367,560		~~1,358,728~~	~~554,591~~	559,944	362,560		~~1,477,095~~
539,229				1,357,057	551,136				1,473,640

Any Library Services and Construction Act funds available for Title II grants, construction, and renovation of public library facilities, under P.L. 98-8, may be budget amended under this act.

TOTAL SECTION E									
~~46,936,393~~	~~4,089,162~~	~~4,874,967~~	257,434	~~56,157,956~~	~~45,362,387~~	~~4,543,373~~	~~4,885,256~~	258,450	~~55,049,466~~
~~46,902,059~~				~~56,123,622~~	~~45,321,016~~				~~55,008,095~~
46,930,519	4,089,054	5,159,967		56,436,974	45,250,618	4,543,056	5,120,256		55,172,380

F. HIGHER EDUCATION

All funds, other than plant funds and current unrestricted funds may be spent and are appropriated contingent upon approval by the board of regents by July 1 of each year of the comprehensive program budget containing a detail of revenues and expenditures and anticipated fund balances of current funds, loan funds, and endowment funds. All movement of funds between the current unrestricted subfund and the designated subfund account entities shall be clearly identified in the state budgeting and accounting system.

Programs for the university budgets include instruction, organized research, public service, academic support, student services, institutional support, and operation and maintenance of plant.

Included within other appropriated funds to the six institutions is the sum of $13,074,000 in fiscal 1984 and ~~$12,746,000~~ $14,078,000 in fiscal 1985 from revenues generated under the provisions of Chapter 582, Laws of 1979.

BOARD OF REGENTS									
1. Administration									
24,994				24,994	26,090				26,090
COMMISSIONER OF HIGHER EDUCATION									
1. Office Administration									
~~759,521~~				~~759,521~~	~~769,610~~				~~769,610~~
757,876				757,876	766,404				766,404
2. WAMI									
1,636,332				1,636,332	1,666,075	101,348			1,767,423
3. WICHE - Student Assistance									
75,379	1,714,938			1,790,317		1,902,667			1,902,667
4. WICHE - Administrative Dues									
50,000				50,000	53,000				53,000
5. University of Minnesota - Rural Dentistry									
168,000				168,000	168,000				168,000
6. SSIG									
175,000		210,000		385,000	175,000		210,000		385,000
7. NDSL									
75,000				75,000	75,000				75,000
8. Audit									
8,000				8,000					
9. Montana Learning Services									
		175,000		175,000			190,000		190,000
10. Talent Search									
		128,400		128,400			140,000		140,000
11. Guaranteed Student Loan									
		766,619		766,619			1,017,899		1,017,899
12. Work Study									

290,790				290,790		290,790			290
Total									
~~2,947,232~~	1,714,938	1,280,019		~~5,942,189~~	~~2,906,685~~	~~2,004,015~~	1,557,899		~~6,468~~
3,236,377				6,231,334	2,903,479	2,294,805			6,756

	Fiscal 1984 General Fund	Fiscal 1984 Current Unrestricted	Fiscal 1984 Total	Fiscal 1985 General Fund	Fiscal 1985 Current Unrestricted	T
COMMUNITY COLLEGES						
1. Miles Community College						
a. Operations						
	1,011,505		1,011,505	1,041,471		1,041
b. Audit						
	10,600		10,600			
2. Dawson Community College						
a. Operations						
	659,055		659,055	718,256		718
b. Audit						
	10,600		10,600			
3. Flathead Community College						
a. Operations						
	1,385,102		1,385,102	1,484,994		1,484
b. Audit						
	10,600		10,600			
Total						
	3,087,462		3,087,462	3,244,721		3,244

The above appropriation provides 53% of the total unrestricted budgets for the community colleges that shall be approved by the Board of Regents.

The general fund appropriation for each community college includes 53% of the total audit cost. The remaining audit costs shall be paid from local revenues. Audit costs may not exceed $20,000 for each unit for the biennium.

BUREAU OF MINES						
1. Research						
	~~1,399,693~~	53,000	~~1,452,693~~	~~1,422,379~~	56,179	~~1,478,~~
	1,396,909		1,449,909	1,416,561		1,472,
AGRICULTURE EXPERIMENT STATION						
1. Agriculture Experiment Station						
	~~5,773,160~~	2,409,194	~~8,182,354~~	~~5,876,573~~	2,429,740	~~8,306,~~
	~~5,759,516~~		~~8,168,710~~	~~5,848,272~~		~~8,278,~~
	5,753,116		8,162,310	5,828,216		8,257,
2. U.S. Range Station						
		~~1,047,237~~	~~1,047,237~~		~~1,085,749~~	~~1,085,~~
		1,042,323	1,042,323		1,070,984	1,070,
Total						
	~~5,773,160~~	~~3,456,431~~	~~9,229,591~~	~~5,876,573~~	~~3,515,489~~	~~9,392,~~
	~~5,759,516~~		~~9,215,947~~	~~5,848,272~~		~~9,363,~~
	5,753,116	3,451,517	9,204,633	5,828,216	3,500,724	9,328,
COOPERATIVE EXTENSION SERVICE						
1. Public Service						
	~~2,185,832~~	1,860,960	~~4,046,792~~	~~2,160,797~~	1,916,789	~~4,077,~~
	~~2,180,382~~		~~4,041,342~~	~~2,149,735~~		~~4,066,~~
	2,178,274		4,039,234	2,144,548		4,061,
FORESTRY & CONSERVATION EXPERIMENT STATION						
1. Research						
	~~674,261~~		~~674,261~~	~~684,249~~		~~684,~~
	~~673,427~~		~~673,427~~	~~682,512~~		~~682,~~
	673,410		673,410	682,421		682,
MONTANA STATE UNIVERSITY						
1. Instruction						
	~~15,062,755~~	8,349,455	~~23,412,210~~	~~15,052,084~~	~~8,476,973~~	~~23,529,~~
	~~15,041,815~~		~~23,391,270~~	~~15,002,949~~		~~23,479,~~
	15,041,653		23,391,108	14,616,553	8,862,973	23,479,
2. Research						
	~~348,371~~	184,046	~~532,417~~	~~347,010~~	185,916	~~532,~~
	~~348,280~~		~~532,326~~	~~346,820~~		~~532,~~
	363,280		547,326	361,820		547,
3. Public Service						
	~~6,577~~	3,498	~~10,075~~	~~6,688~~	3,634	~~10,~~
	6,530		10,028	6,589		10,
4. Academic Support, Student Services, and Institutional Support						
	~~8,310,876~~	4,545,520	~~12,856,396~~	~~8,392,747~~	4,716,536	~~13,109,~~

	Fiscal 1984 General Fund	Fiscal 1984 Current Unrestricted	Fiscal 1984 Total	Fiscal 1985 General Fund	Fiscal 1985 Current Unrestricted	Fiscal 1985 Total
	8,287,157		12,832,677	8,341,362		13,057,898
5. Audit	15,542	8,208	23,750	15,468	8,282	23,750
6. Operation and Maintenance of Physical Plant	~~3,270,182~~	1,733,254	~~5,003,436~~	~~3,620,886~~	1,952,169	~~5,573,055~~
	~~3,258,710~~		~~4,991,964~~	~~3,596,291~~		~~5,548,460~~
	3,078,056		4,811,310	3,142,117		5,094,286
7. Scholarships and Fellowships	530,174	280,019	810,193	583,582	312,490	896,072
Total	~~27,544,477~~	15,104,000	~~42,648,477~~	~~28,018,465~~	~~15,656,000~~	~~43,674,465~~
	~~27,488,208~~		~~42,592,208~~	~~27,893,061~~		~~43,549,061~~
	27,322,392		42,426,392	27,067,491	16,042,000	43,109,491

Included in item 2 is a $15,000 general fund appropriation for fiscal year 1985 for the Office of Water Policy. If federal funds are not available for matching such funds, they revert to the general fund.

The appropriations in item 5 are for the biennium. Total audit costs are estimated to be $95,000 for the biennium. Fifty percent of these costs are to be paid from funds other than those appropriated in items 1 through 7.

Eighty-five percent of all indirect cost reimbursements shall be deposited in the current unrestricted fund. To the extent these reimbursements to the current unrestricted fund at Montana State University exceed $1,020,000 each fiscal year of the biennium, the general fund appropriated for that fiscal year is reduced a like amount.

UNIVERSITY OF MONTANA

1. Instruction	~~11,430,219~~	6,036,654	~~17,466,873~~	~~10,991,388~~	~~6,085,827~~	~~17,077,215~~
				~~9,950,178~~	~~7,127,037~~	
	11,419,715		17,456,369	~~9,920,515~~		17,047,552
				10,613,515	6,434,037	
2. Research	~~270,866~~	143,383	~~414,249~~	~~276,281~~	146,525	~~422,806~~
	270,008		413,391	274,485		421,010
3. Public Service	~~125,109~~	66,271	~~191,380~~	~~127,171~~	67,542	~~194,713~~
	124,627		190,898	126,163		193,705
4. Academic Support, Student Services, and Institutional Support	~~6,441,564~~	3,518,551	~~9,960,115~~	~~6,596,559~~	3,606,403	~~10,202,962~~
	6,424,693		9,943,244	6,563,777		10,170,180
5. Audit	14,728	7,772	22,500	14,736	7,764	22,500
6. Operation and Maintenance of Physical Plant	~~3,147,604~~	1,670,437	~~4,818,041~~	~~3,562,267~~	1,899,021	~~5,461,288~~
	~~3,129,575~~		~~4,800,012~~	~~3,520,740~~		~~5,419,761~~
	3,013,400		4,683,837	3,221,552		5,120,573
7. Scholarships and Fellowships	474,591	250,432	725,023	513,232	270,418	783,650
Total	~~21,904,681~~	11,693,500	~~33,598,181~~	~~22,081,634~~	~~12,083,500~~	~~34,165,134~~
	~~21,857,937~~		~~33,551,437~~	~~20,933,648~~	~~13,124,710~~	~~34,058,358~~
	21,741,762		33,435,262	21,327,460	12,431,710	33,759,170

The appropriations in item 5 are for the biennium. Total audit costs are estimated to be $90,000 for the biennium. Fifty percent of these costs are to be paid from funds other than those appropriated in items 1 through 7.

Special fees generated for legal education and for pharmacy clinical education shall be excluded from tuition and fee estimates for purposes of calculating general fund support required by each institution.

Eighty-five percent of all indirect cost reimbursements shall be deposited in the current unrestricted fund. To the extent these reimbursements to the current unrestricted fund at the University of Montana exceed $467,500 each year of the biennium, the general fund appropriation is reduced a like amount.

EASTERN MONTANA COLLEGE

1. Instruction	~~4,121,254~~	2,102,571	~~6,223,825~~	~~4,170,145~~	~~2,179,077~~	~~6,349,222~~
	4,116,754		6,219,325	~~4,159,115~~		6,338,192
				4,029,115	2,309,077	
2. Public Service	~~26,644~~	13,040	~~39,684~~	~~27,311~~	13,740	~~41,051~~
	26,505		39,545	27,021		40,761
3. Center for Handicapped Children						

	Fiscal 1984 General Fund	Fiscal 1984 Current Unrestricted	Fiscal 1984 Total	Fiscal 1985 General Fund	Fiscal 1985 Current Unrestricted	Fiscal 1985 Total
	164,158		164,158	166,620		16
4. Academic Support, Student Services, and Institutional Support						
	~~2,846,933~~	1,434,368	~~4,281,301~~	~~2,923,464~~	1,511,722	~~4,43~~
	2,837,130		4,271,498	2,902,625		4,41
5. Audit						
	12,106	5,894	18,000	12,018	5,982	1
6. Operation and Maintenance of Physical Plant						
	~~1,182,010~~	578,779	~~1,760,789~~	~~1,299,583~~	654,269	~~1,95~~
	~~1,175,289~~		~~1,754,068~~	~~1,284,811~~		~~1,93~~
	1,138,088		1,716,867	1,184,784		1,83
7. Scholarships and Fellowships						
	175,293	85,348	260,641	199,323	99,210	29
Total						
	~~8,528,398~~	4,220,000	~~12,748,398~~	~~8,798,464~~	~~4,464,000~~	~~13,26~~
	~~8,507,236~~		~~12,727,236~~	~~8,761,633~~		~~13,21~~
	8,470,034		12,690,034	8,521,506	4,594,000	13,11

The appropriations in item 5 are for the biennium. Total audit costs are estimated to be $48,000 for the biennium. Twenty-five percent of these costs are to be paid from funds other than those appropriated in items 1 through 7.

Eighty-five percent of all indirect cost reimbursements shall be deposited in the current unrestricted fund. To the extent these reimbursements to the current unrestricted fund at Eastern Montana College exceed $85,000 each year of the biennium, the general fund appropriation is reduced a like amount.

NORTHERN MONTANA COLLEGE

1. Instruction						
	~~2,638,308~~	959,865	~~3,598,173~~	~~2,720,640~~	~~942,640~~	~~3,66~~
	2,635,338		3,595,203	~~2,713,554~~		3,656
				2,654,554	1,001,640	
2. Public Service						
	~~7,657~~	2,677	~~10,334~~	~~7,867~~	2,624	~~10~~
	7,638		10,315	7,826		10
3. Academic Support, Student Services, and Institutional Support						
	~~1,410,494~~	507,643	~~1,918,137~~	~~1,745,868~~	612,138	~~2,358~~
	1,405,986		1,913,629	1,736,012		2,348
4. Audit						
	11,122	3,878	15,000	11,263	3,737	15
5. Operation and Maintenance of Physical Plant						
	~~642,454~~	224,632	~~867,086~~	~~710,911~~	237,113	~~948~~
	~~640,720~~		~~865,352~~	~~707,148~~		~~944~~
	614,634		839,266	645,567		882
6. Scholarships and Fellowships						
	121,464	42,355	163,819	139,402	46,248	185
Total						
	~~4,831,499~~	1,741,050	~~6,572,549~~	~~5,325,951~~	~~1,844,500~~	~~7,180~~
	~~4,822,268~~		~~6,563,318~~	~~5,315,205~~		~~7,159~~
	4,796,182		6,537,232	5,194,624	1,903,500	7,098

The appropriations in item 4 are for the biennium. Total audit costs are estimated to be $40,000 for the biennium. Twenty-five percent of these costs are to be paid from funds other than those appropriated in items 1 through 6.

Eighty-five percent of all indirect cost reimbursements shall be deposited in the current unrestricted fund. To the extent these reimbursements to the current unrestricted fund at Northern Montana College exceed $11,050 in fiscal 1984 and $8,500 in fiscal 1985, the general fund appropriation is reduced a like amount.

WESTERN MONTANA COLLEGE

1. Instruction						
	~~992,786~~	457,968	~~1,450,754~~	~~998,883~~	~~465,254~~	~~1,464~~
	992,199		1,450,167	~~997,443~~		1,462
				966,447	496,254	
2. Academic Support, Student Services, and Institutional Support						
	~~943,876~~	424,819	~~1,368,695~~	~~954,292~~	431,616	~~1,385~~
	943,225		1,368,044	952,655		1,384,
3. Audit						
	10,440	4,560	15,000	10,410	4,590	15,
4. Operation and Maintenance of Physical Plant						
	~~436,801~~	191,068	~~627,869~~	~~476,867~~	210,861	~~687,~~
	~~436,133~~		~~627,201~~	~~475,447~~		~~686,~~
	414,586		605,654	421,977		632,
5. Scholarships and Fellowships						
	37,688	16,460	54,148	42,086	18,554	60,

	Fiscal 1984 General Fund	Fiscal 1984 Current Unrestricted	Fiscal 1984 Total	Fiscal 1985 General Fund	Fiscal 1985 Current Unrestricted	Fiscal 1985 Total
Total	~~2,421,591~~	1,094,875	~~3,516,466~~	~~2,482,538~~	~~1,130,875~~	~~3,613,413~~
	~~2,419,685~~		~~3,514,560~~	~~2,478,041~~		~~3,608,916~~
	2,398,138		3,493,013	2,393,575	1,161,875	3,555,450

The appropriations in item 3 are for the biennium. Total audit costs are estimated to be $40,000 for the biennium. Twenty-five percent of these costs are to be paid from funds other than those appropriated in items 1 through 5.

Eighty-five percent of all indirect cost reimbursements shall be deposited in the current unrestricted fund. To the extent these reimbursements to the current unrestricted fund at Western Montana College exceed $14,875 in each year of the biennium, the general fund appropriation is reduced a like amount.

MONTANA COLLEGE OF MINERAL SCIENCE & TECHNOLOGY

1. Instruction						
	~~2,923,828~~	1,550,985	~~4,474,813~~	~~3,197,012~~	~~1,761,719~~	~~4,958,731~~
	2,920,475		4,471,460	~~3,188,040~~		4,949,759
				3,101,040	1,848,719	
2. Research						
	~~26,414~~	13,438	~~39,852~~	~~25,945~~	13,760	~~39,705~~
	26,266		39,704	25,653		39,413
3. Academic Support, Student Services, and Institutional Support						
	~~2,000,734~~	1,048,548	~~3,049,282~~	~~2,230,769~~	1,217,688	~~3,448,457~~
	1,993,079		3,041,627	2,212,263		3,429,951
4. Audit						
	11,206	5,669	16,875	11,070	5,805	16,875
5. Operation and Maintenance of Physical Plant						
	~~742,077~~	376,067	~~1,118,144~~	~~783,659~~	412,316	~~1,195,975~~
	~~740,819~~		~~1,116,886~~	~~781,029~~		~~1,193,345~~
	713,819		1,089,886	711,848		1,124,164
6. Scholarships and Fellowships						
	176,990	89,543	266,533	215,425	112,962	328,387
Total	~~5,881,249~~	3,084,250	~~8,965,499~~	~~6,463,880~~	~~3,524,250~~	~~9,988,130~~
	~~5,868,835~~		~~8,953,085~~	~~6,433,480~~		~~9,957,730~~
	5,841,835		8,926,085	6,277,299	3,611,250	9,888,549

The appropriations in item 4 are for the biennium. Total audit costs are estimated to be $45,000 for the biennium. Twenty-five percent of these costs are to be paid from funds other than those appropriated in items 1 through 6.

Eighty-five percent of all indirect cost reimbursements shall be deposited in the current unrestricted fund. To the extent these reimbursements to the current unrestricted fund at Montana College of Mineral Science and Technology exceed $106,250 in each year of the biennium, the general fund appropriation is reduced a like amount.

	Fiscal 1984 General Fund	Fiscal 1984 State Special Revenue	Fiscal 1984 Federal Special Revenue	Fiscal 1984 Proprietary	Fiscal 1984 Total	Fiscal 1985 General Fund	Fiscal 1985 State Special Revenue	Fiscal 1985 Federal Special Revenue	Fiscal 1985 Proprietary	Fiscal 1985 Total
TOTAL SECTION F										
	~~87,204,529~~	~~44,023,004~~	1,280,019		~~132,507,552~~	~~89,502,426~~	~~46,195,597~~	1,557,899		~~137,255,922~~
	~~87,323,235~~				~~132,626,258~~	~~88,076,338~~	~~47,527,597~~			~~137,161,834~~
	86,920,885	44,018,090			132,218,994	87,027,991	47,512,832			136,098,722
TOTAL ALL SECTIONS										
	~~344,792,210~~	~~226,303,191~~	~~349,079,353~~	~~43,871,775~~	~~964,046,529~~	~~329,894,379~~	~~242,279,646~~	~~353,141,337~~	~~44,721,598~~	~~970,036,960~~
	~~344,643,394~~	~~226,523,191~~	~~351,181,381~~	~~43,783,747~~	~~966,131,713~~	~~328,039,902~~	~~243,611,646~~	~~353,228,901~~	~~44,634,034~~	~~969,514,483~~
	333,422,092	226,223,636	356,299,128	41,833,296	957,778,152	327,966,827	242,744,752	356,969,067	43,126,460	970,807,106

NOTE: The total of state special revenues for section F and all sections includes ~~$42,308,066~~ $42,303,152 in fiscal 1984 and ~~$44,191,582~~ ~~$45,232,792~~ $45,218,027 in fiscal 1985 of current unrestricted funds.

Section 15. Effective date. This act is effective July 1, 1983."

And, as amended, be concurred in. Report adopted.

HB 847, third reading copy, be amended as follows:

1. Title, line 5.
Strike: "INCREASING"
Insert: "PROVIDING THAT"

2. Title, line 8.
Following: "BOARD"
Insert: "REMAIN AT CURRENT LEVEL"

3. Title, line 9.
Strike: "SECTIONS 2-16-405, 3-5-211, 13-37-106, AND"
Insert: "SECTION"

4. Page 1, line 13 through page 3, line 16.
Strike: sections 1, 2, and 3 in their entirety
Renumber: subsequent sections

5. Page 4, lines 8 and 9.
Strike: "26,003 in fiscal 1984 and $26,523 in fiscal 1985"
Insert: "$25,493"

6. Page 4, lines 11 and 12.
Strike: "25,305 in fiscal 1984 and $25,811 in fiscal 1985"
Insert: "$24,809"

And, as amended, be concurred in. Report adopted.

HB 922, be concurred in. Report adopted.
HB 924, be concurred in. Report adopted.

LABOR AND EMPLOYMENT RELATIONS (Aklestad, Chairman):
SJR 26, do pass. Report adopted.

TAXATION (Goodover, Chairman):
HB 739, third reading copy, be amended as follows:

1. Page 1, line 25.
Following: line 24
Insert: "However, rehabilitation costs as set forth under section 46(a)(2)(F) of the Internal Revenue Code of 1954, or as section 46(a)(2)(F) may be renumbered or amended, are not to be included in the computation of the investment credit."

2. Page 2, line 4.
Following: line 3
Strike: line 4
Renumber: subsequent subsection

3. Page 2, line 10.
Following: "~~(a) 30%~~"
Strike: "20%"
Insert: "5%"

4. Page 5, line 5.
Following: line 4
Insert: "However, rehabilitation costs as set forth under section 46(a)(2)(F) of the Internal Revenue Code of 1954, or as section 46(a)(2)(F) may be renumbered or amended, are not to be included in the computation of the investment credit."

5. Page 5, line 9.
Following: line 8
Strike: line 9
Renumber: subsequent subsection

6. Page 5, line 14.
Following: "~~(a) 30%~~"
Strike: "20%"

Insert: "5%"

7. Page 6, line 24.
Following: line 23
Insert: "Section 3. Section 15-30-162, MCA, is amended to read:

"15-30-162. Investment credit. (1) There is allowed as a credit against the tax imposed by 15-30-103 a percentage of the credit allowed with respect to certain depreciable property under section 38 of the Internal Revenue Code of 1954, as amended, or as section 38 may be renumbered or amended.

(2) The amount of the credit allowed for the taxable year is the sum of:

(a) ~~30%~~ 20% of the amount of credit determined under section 46(a)(2) of the Internal Revenue Code of 1954, as amended, or as section 46(a)(2) may be renumbered or amended;

(b) the investment credit carryovers carried to the taxable year as provided in subsection (4); and

(c) the investment credit carrybacks carried to the taxable year as provided for in subsection (4).

(3) Notwithstanding the provisions of subsection (2), the investment credit allowed for the taxable year may not exceed the taxpayer's tax liability for the taxable year. In the event the taxpayer's tax liability for the taxable year exceeds $5,000, the investment credit may not exceed $5,000 plus 50% of the tax liability in excess of $5,000. In the case of a husband and wife who file separate returns, the investment credit may not exceed $2,500 plus 50% of the tax liability in excess of $2,500 unless the spouse of the taxpayer has no qualified investment for and no unused credit carryback or carryover to the taxable year of the spouse that ends with or within the taxpayer's taxable year.

(4) If any part of the investment credit is not applied against the tax liability for the taxable year because of the limitations imposed under subsection (3), the unused portion shall be carried back and carried forward in accordance with the provisions of section 46(b) of the Internal Revenue Code of 1954, as amended, or as section 46(b) may be renumbered or amended.

(5) The investment credit allowed by this section is subject to recapture as provided for in section 47 of the Internal Revenue Code of 1954, as amended, or as section 47 may be renumbered or amended. However, rehabilitation costs as set forth under section 46(a)(2)(F) of the Internal Revenue Code of 1954, or as section 46(a)(2)(F) may be renumbered or amended, are not to be included in the computation of the investment credit. The credit is allowed for the purchase and installation of certain qualified property defined by section 38 of the Internal Revenue Code of 1954, as amended, if the property meets all of the following qualifications:

(a) it was placed in service in Montana; and

(b) it was used for the production of Montana income."

Section 4. Section 15-31-123, MCA, is amended to read:

"15-31-123. Investment credit. (1) The purpose of this section is to allow small businesses to take an investment credit as provided for

in subsection (3) and to stimulate capital investment by the small business sector.

(2) For the purposes of this section, "small business" means a business that ~~is eligible to elect to be taxed under the provisions of 15-31-202, whether or not such election is made.~~ does not have:

(a) more than 10 shareholders;

(b) a person who is not an individual (other than an estate or other than a trust described in 15-31-207) as a shareholder;

(c) a nonresident alien as a shareholder; and

(d) more than one class of stock.

(3) There is allowed as a credit against the taxes imposed by 15-31-101, 15-31-121, and 15-31-122 a percentage of the credit allowed with respect to certain depreciable property under section 38 of the Internal Revenue Code of 1954, as amended, or as section 38 may be renumbered or amended. However, rehabilitation costs as set forth under section 46(a)(2)(F) of the Internal Revenue Code of 1954, or as section 46(a)(2)(F) may be renumbered or amended, are not to be included in the computation of the investment credit. The credit is allowed for the purchase and installation of certain qualified property defined by section 38 of the Internal Revenue Code of 1954, as amended, if the property meets all of the following qualifications:

(a) it was placed in service in Montana; and

(b) it was used for the production of Montana income.

(4) The amount of the credit allowed for the taxable year is the sum of:

(a) ~~30%~~ 20% of the amount of credit determined under section 46(a)(2) of the Internal Revenue Code of 1954, as amended, or as section 46(a)(2) may be renumbered or amended;

(b) the investment credit carryovers carried to the taxable year as provided in subsection (6); and

(c) the investment credit carrybacks carried to the taxable year as provided for in subsection (6).

(5) Notwithstanding the provisions of subsection (4), the investment credit allowed for the taxable year may not exceed the taxpayer's tax liability for the taxable year. In the event the taxpayer's tax liability for the taxable year exceeds $5,000, the investment credit may not exceed $5,000 plus 50% of the tax liability in excess of $5,000.

(6) If any part of the investment credit is not applied against the tax liability for the taxable year because of the limitations imposed under subsection (5), the unused portion shall be carried back and carried forward in accordance with the provisions of section 46(b) of the Internal Revenue Code of 1954, as amended, or as section 46(b) may be renumbered or amended.

(7) The investment credit allowed by this section is subject to recapture as provided for in section 47 of the Internal Revenue Code of 1954, as amended, or as section 47 may be renumbered or amended.""

Renumber: subsequent sections

8. Page 7, line 4.
Following: "Applicability."
Insert: "(1)"

9. Page 7, line 6.
Following: "1982"
Insert: ", and before January 1, 1985. Sections 3 and 4 are applicable to taxable years beginning after December 31, 1984.

(2) The carryover of credits earned under 15-30-162 or 15-31-123 prior to January 1, 1983, are not affected by this act."

And, as amended, be concurred in. Report adopted.

HB 890, third reading copy, be amended as follows:

1. Page 2, line 8.
Following: "tax"
Strike: remainder of line 8 through "for" on line 9
Insert: "on"

2. Page 2, line 10.
Following: "61-3-316"
Insert: "is 1 ½% of the f.o.b. factory list price or f.o.b. port-of-entry list price regardless of the month in which the new vehicle is purchased"

And, as amended, be concurred in. Report adopted.

HJR 31, third reading copy, be amended as follows:

1. Title, line 10.
Following: "SYSTEM"
Insert: "AND EQUALIZATION WITHIN THE CLASSES OF PROPERTY"

2. Page 2, line 5.
Following: "system"
Insert: "and equalization within the classes of property"

3. Page 2, line 10.
Following: "system"
Insert: "and equalization within the classes of property"

And, as amended, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on HB 232
Report No. 1, April 11, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 232, met April 11, 1983, and considered the amendments of the following committees:

Senate Committee of the Whole (3/26/83)

We recommend that:

The Senate recede from Standing Committee amendments 2, 3, and 8.

The House accede to Standing Committee amendments 1 and 4 through 7.

HB 232 be further amended as indicated in clerical instructions 2 and 3.

The reference copy of HB 232 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 232 be adopted.

Clerical Instructions:

1. Senate Committee of the Whole amendments.
Strike: amendments 1, 2, 3, and 8

2. Page 2, line 15.
Following: "~~or~~"
Insert: ", upon the request of the private property owner, on"

3. Page 5, line 10.
Strike: "~~$25~~"
Insert: "$10"

For the Senate:

Senator Severson, Chairman
Senator Gage
Senator Norman

For the House:

Representative Connelly, Chairman
Representative Dozier
Representative Winslow

Free Conference Committee
on HB 376
Report No. 1, April 11, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 376, met April 11, 1983, and considered the amendments of the following committees:

Senate Committee on Judiciary (3/21/83)

We recommend that:

The House accede to Standing Committee amendments 2 through 5.

The Senate recede from Standing Committee amendment 1.

HB 376 be further amended as indicated in clerical instructions 2 and 3.

The reference copy of HB 376 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 376 be adopted.

Clerical Instructions:

1. Senate Standing Committee amendments.
Strike: amendment 1

2. Page 1, line 14.
Strike: "THE"
Insert: "Except as provided in subsection (5), the"

3. Page 3.
Following: line 9
Insert: "(3) No person may petition the court under this section more often than once every 2 years unless there has been a significant change in the circumstances of the child; the child's parent, guardian, or custodian; or the child's grandparent.

(4) The court may appoint an attorney to represent the interests of a child with respect to visitation when such interests are not adequately represented by the parties to the proceeding."

Renumber: subsequent subsections

For the Senate:

Senator Hager, Chairman
Senator Mazurek
Senator Brown

For the House:

Representative McBride, Chairman
Representative Harrington
Representative Winslow

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

April 11, 1983

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 155, 161, 203, 287, 289.

Sincerely,

Ted Schwinden
Governor

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

April 12, 1983

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 20, 21, 82, 84, 166, 259, 292, 320, 363, 370, 371, 402.

Sincerely,

Ted Schwinden
Governor

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

April 12, 1983

Dear Mr. President:

Please refer to my letter of April 11, 1983 indicating that Senate Bill No. 287 was signed on the 11th of April. That bill no. should have been Senate Bill No. 237. Please indicate this correction in your records.

Thank you for your consideration.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 4/11/83

SB 429, introduced by R. Manning, et al.

SB 452, introduced by Fuller, J. Brown

Senate bills concurred in and returned to the Senate: 4/11/83

SB 106, introduced by Blaylock

SB 167, introduced by Daniels, et al.

SB 190, introduced by Himsl

SB 217, introduced by Haffey, et al.

SB 232, introduced by Regan

SB 443, introduced by E. Smith, et al.

Governor's amendments to Senate bills concurred in and returned to the Senate: 4/11/83

SB 141, introduced by Gage

SB 298, introduced by Towe, Turnage

Conference committee report adopted: 4/11/83

Conference committee report on HB 119

Free conference committee report adopted: 4/11/83

Free conference committee report on HB 106

House bill passed and transmitted to the Senate for concurrence: 4/11/83

HB 925, introduced by Shontz, et al.

The House, on 4/11/83, dissolved the conference committee on HB 299 and appointed a free conference committee to meet with a like committee from the Senate to confer on HB 299.

The Speaker appointed the following members:

Representative J. Brown, Chairman
Representative Marks
Representative Metcalf

The House, on 4/11/83, dissolved the conference committee on HB 749 and appointed a free conference committee to meet with a like committee from the Senate to confer on HB 749.

The Speaker appointed the following members:

Representative Keenan, Chairman
Representative Hemstad
Representative Waldron

MOTIONS

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on House amendments to SB 235. Motion carried.

The President appointed the following members:

Senator Smith, Chairman
Senator McCallum
Senator Haffey

Senator Hazelbaker moved that the joint rules be temporarily suspended in order to consider HB 923. Motion carried as follows:

Ayes: Aklestad, Berg, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Blaylock, Boylan.
Total 2

Excused: Galt.
Total 1

Absent or not voting: Dover, Story, Thomas.
Total 3

Senator Turnage moved that the joint rules be temporarily suspended in order to consider HB 925. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Galt.
Total 1

Absent or not voting: Thomas.
Total 1

Senator Lynch moved that HB 841 be taken from the Committee on Taxation and that it be printed and placed on second reading. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Kolstad, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 25

Noes: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 24

Paired: Lynch, Aye; Galt, No.

Excused: None.

Total 0

Absent or not voting: Lee.
Total 1

The President appointed the following conference committee to confer on Senate amendments to HB 606.

Senator Shaw, Chairman
Senator Gage
Senator Daniels

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 112, introduced by Donaldson, (By Request of the Department of Military Affairs). Referred to Committee on Finance and Claims.
HB 668, introduced by Brand. Referred to Committee on Rules.
HB 923, introduced by Fagg, Metcalf, (By Request of the House Committee on Business and Industry). Referred to Committee on Business and Industry.
HB 925, introduced by Shontz, Towe, Norman, Yardley, Williams, Bertelsen, Fabrega, Nordtvedt, (By Request of the Revenue Oversight Committee). Referred to Committee on Taxation.
HJR 38, introduced by Bardanouve, Marks, Turnage. Referred to Committee on Rules.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 408, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Etchart, Fuller, Graham, Haffey, Halligan, Hammond, Hazelbaker, Jacobson, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 40

Noes: Dover, Gage, Goodover, Hager, Himsl, Keating, Lee, Ochsner.
Total 8

Excused: Galt.
Total 1

Absent or not voting: Elliott.
Total 1

SB 446, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Galt.
Total 1

Absent or not voting: None.
Total 0

HB 682 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Galt.
Total 1

Absent or not voting: None.
Total 0

HB 780 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Keating, Shaw.
Total 2

Excused: Galt.
Total 1

Absent or not voting: None.
Total 0

HJR 35 concurred in as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Mr. President.
Total 42

Noes: Blaylock, Hammond, Himsl, Mohar, Towe, Van Valkenburg.
Total 6

Excused: Galt.
Total 1

Absent or not voting: Crippen.
Total 1

HJR 36 concurred in as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Blaylock, Hammond, Himsl, Mohar.
Total 4

Excused: Galt.
Total 1

Absent or not voting: Jacobson.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Daniels in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 16 - That HB 16, third reading copy, be amended as follows:

1. Senate Standing Committee amendments.
Strike: amendments 1 through 11

2. Title, line 7.
Strike: "3"
Insert: "5.5"

3. Title, line 8.
Following: "July 1, 1983"
Strike: remainder of line 8 through "1985" on line 9

4. Page 2, line 4.
Strike: "3"
Insert: "5.5"

5. Page 2, line 5.
Following: "July 1, 1983"
Strike: remainder of line 5 through "1985," on line 6

6. Page 2, line 7.
Strike: "3"
Insert: "5.5"

7. Page 2, line 8.
Following: "July 1, 1983"
Strike: remainder of line 8 through "1985" on line 9

8. Page 2, line 19.

Following: "and 8 12.5"
Strike: "12"
Insert: "14.5"
Following: "cents"
Strike: remainder of line 19 through "THEREAFTER," on line 20

9. Page 3, line 18.
Strike: "14"
Insert: "16.5"
Following: "cents"
Strike: remainder of line 18 through "THEREAFTER," on line 19

10. Page 4, line 17.
Strike: "$9,000,000"
Insert: "$11,500,000"

11. Page 4, line 24.
Strike: "$4,085,000"
Insert: "$5,220,000"

12. Page 5, line 12.
Strike: "$4,915,000"
Insert: "$6,280,000"

Amendment failed as follows:

Ayes: Aklestad, Boylan, Elliott, Etchart, Galt, Graham, Hammond, McCallum, Mohar, Ochsner, Severson, Shaw, Smith, Tveit.
Total 14

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Dover, Eck, Fuller, Gage, Goodover, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Norman, Regan, Stimatz, Thomas, Towe, Turnage, Van Valkenburg.
Total 32

Excused: None.
Total 0

Absent or not voting: Daniels, Kolstad, Story, Mr. President.
Total 4

That HB 16 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 435 - That HB 435 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 511 - That HB 511 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 637 - That HB 637 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Daniels moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):

Correctly enrolled: SB 69, SB 227, SB 249, SB 309, SB 316, SB 454, SJR 24.

Examined by the sponsor (Fuller) and found to be correct: SB 69.

Examined by the sponsor (Graham) and found to be correct: SB 309.

Examined by the sponsor (Jacobson) and found to be correct: SB 454.

Examined by the sponsor (Mazurek) and found to be correct: SJR 24.

Examined by the sponsor (Towe) and found to be correct: SB 227, SB 249, SB 316.

Signed by the President at 4:30 p.m., 4/12/83: SB 69, SB 227, SB 249, SB 309, SB 316, SB 454, SJR 24.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 4:41 p.m., until Wednesday, April 13, 1983, at the hour of 1:30 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTY-THIRD LEGISLATIVE DAY

Helena, Montana
April 13, 1983

Senate Chambers
State Capitol

Senate convened at 1:30 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the eighty-second legislative day, find the same to be correct.

Tveit, Chairman

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 16 concurred in as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Story, Thomas, Towe, Turnage, Mr. President.
Total 37

Noes: Aklestad, Boylan, Lee, Severson, Smith, Stimatz.
Total 6

Excused: None.
Total 0

Absent or not voting: Conover, Eck, Marbut, Regan, Shaw, Tveit, Van Valkenburg.
Total 7

HB 435 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 43

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Conover, Eck, Graham, Marbut, Shaw, Tveit, Van Valkenburg.
Total 7

HB 511 concurred in as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager,

Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 42

Noes: Aklestad, Boylan, Lee, Shaw, Smith, Story.
Total 6

Excused: None.
Total 0

Absent or not voting: Conover, Tveit.
Total 2

HB 637 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 46

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Conover, Dover, Tveit, Van Valkenburg.
Total 4

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Hazelbaker moved that the staff of the Legislative Fiscal Analyst be granted privileges of the floor on second reading this day. Motion carried unanimously.

Senator Hazelbaker moved that the President be authorized to dissolve the conference committee on Senate amendments to HB 191 and that he be authorized to appoint a free conference committee. Motion carried unanimously.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Kolstad in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SECTION A. LEGISLATIVE, JUDICIAL, ADMINISTRATIVE

HB 447 - That HB 447, third reading copy, be amended as follows:

1. Page 31, line 9.
Strike: "192,439 201,808"
Insert: "229,439 238,808"

Adjust: totals accordingly

Amendment failed as follows:

Ayes: Berg, Brown, Christiaens, Crippen, Dover, Elliott, Etchart, Fuller, Galt, Goodover, Haffey, Himsl, Keating, Lane, Lynch, R. Manning, Marbut, Mazurek, Severson, Shaw, Smith, Thomas, Tveit.
Total 23

Noes: Aklestad, Blaylock, Boylan, Conover, Daniels, Eck, Gage, Graham, Halligan, Hammond, Hazelbaker, Jacobson, Kolstad, Lee, D. Manning, McCallum, Mohar, Norman, Ochsner, Regan, Stimatz, Story, Towe, Turnage, Van Valkenburg, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: Hager.
Total 1

That HB 447, third reading copy, be amended as follows:

1. Page 20, line 23.
Strike: "588,444 594,088"
Insert: "618,944 655,088"
Adjust: totals accordingly

Amendment passed as follows:

Ayes: Berg, Boylan, Brown, Christiaens, Conover, Dover, Eck, Etchart, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Lane, D. Manning, R. Manning, Mazurek, Norman, Smith, Towe, Tveit, Van Valkenburg.
Total 26

Noes: Aklestad, Blaylock, Crippen, Daniels, Elliott, Hammond, Keating, Kolstad, Lee, Lynch, Marbut, McCallum, Mohar, Ochsner, Severson, Shaw, Stimatz, Story, Thomas, Turnage, Mr. President.
Total 21

Excused: None.
Total 0

Absent or not voting: Fuller, Hager, Regan.
Total 3

That HB 447, third reading copy, be further amended as follows:

1. Page 14, line 23.
Strike: "6,229,765 6,187,130"
Insert: "5,934,296 5,930,051"

2. Page 30, line 9.
Following: "EQUIPMENT."
Insert: "The department cannot require any local government unit to purchase or use high-band radio equipment."

Substitute motion that HB 447, third reading copy, be further amended as follows:

1. Page 14, line 23.
Strike: "6,229,765 6,187,130"
Insert: "5,893,836 5,873,796"

2. Page 15, line 5.
Strike: "9,041,038 9,058,710"
Insert: "8,705,109 8,745,376"

3. Page 33, line 15.
Strike: "4,831,282 6,345,887 4,822,456 6,248,357"
Insert: "4,527,570 6,042,175 4,518,814 5,944,715"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Crippen, Daniels, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, McCallum, Ochsner, Severson, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Mr. President.
Total 34

Noes: Conover, Dover, Eck, Graham, Haffey, Halligan, Keating, Marbut, Mazurek, Mohar, Norman, Regan, Shaw, Towe, Van Valkenburg.
Total 15

Excused: None.
Total 0

Absent or not voting: D. Manning.
Total 1

That HB 447, third reading copy, be further amended as follows:

1. Page 4, line 23.
Strike: "1,658,880 2,079,353"
Insert: "1,686,826 2,108,984"
Adjust: totals accordingly

2. Page 4.
Following: line 23
Insert: "2. NCSL Travel
(under 1984 General Fund): 72,000"
Renumber: subsequent line items

3. Page 6, line 7.
Following: "~~11~~"
Strike: "10"
Insert: "11"

Amendment passed as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Eck, Fuller, Goodover, Graham, Haffey, Halligan, Hazelbaker, Jacobson, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Thomas, Towe, Turnage, Van Valkenburg.
Total 32

Noes: Aklestad, Brown, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Hager, Hammond, Himsl, Keating, Lee, Smith, Story, Tveit, Mr. President.
Total 18

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 447, third reading copy, be further amended as follows:

1. Page 5, line 6.
Strike: "35,000 35,000"
Adjust: totals accordingly

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Thomas, Turnage, Tveit, Mr. President.
Total 43

Noes: Etchart, Keating, Smith, Towe.
Total 4

Excused: None.
Total 0

Absent or not voting: Haffey, Story, Van Valkenburg.
Total 3

That HB 447, third reading copy, be further amended as follows:

1. Page 5, line 24.
Following: line 23
Insert: "11. Tax classification study, if HJR 31 passes
(under General Fund): 17,500
(under General Fund): 17,500"

2. Page 21, line 18.
Following: "issues."
Insert: "$35,000 of this $300,000 remaining appropriation (from House Bill No. 2 of the November 1981 Special Session) shall be transferred to the legislative council for a study of the tax classification system if HJR 31 passes the legislature."

Amendment passed as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Aklestad, Dover, Etchart, Lee, Thomas.
Total 5

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 447, third reading copy, be further amended as follows:

1. Page 4, line 23.
Strike: "1,658,880 2,079,353"
Insert: "1,625,660 2,042,811"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 447, third reading copy, be further amended as follows:

1. Page 20, line 8.
Strike: "351,020"
Insert: "334,908"
Adjust: totals accordingly

Amendment passed as follows:

Ayes: Aklestad, Boylan, Crippen, Dover, Elliott, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Lynch, McCallum, Ochsner, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 26

Noes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Etchart, Fuller, Graham, Haffey, Halligan, Jacobson, Lane, R. Manning, Mazurek, Mohar, Regan, Towe, Van Valkenburg.
Total 19

Excused: None.
Total 0

Absent or not voting: Brown, D. Manning, Marbut, Norman, Stimatz.
Total 5

That HB 447, third reading copy, be further amended as follows:

1. Page 21, line 6.
Strike: "11,350,400 11,021,820"
Insert: "10,884,541 10,561,610"
Adjust: totals accordingly

Amendment passed as follows:

Ayes: Aklestad, Boylan, Brown, Conover, Crippen, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lee, Lynch, D. Manning, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Tveit, Mr. President.
Total 27

Noes: Berg, Blaylock, Christiaens, Daniels, Dover, Eck, Fuller, Graham, Haffey, Halligan, Himsl, Jacobson, Lane, R. Manning, Mazurek, Mohar, Norman, Stimatz, Thomas, Towe, Van Valkenburg.

Total 21

Excused: None.
Total 0

Absent or not voting: Regan, Turnage.
Total 2

That HB 447, third reading copy, be further amended as follows:

1. Page 21, line 6.
Strike: "10,884,541"
Insert: "10,818,463"

2. Page 23.
Following: line 6
Insert: "The Department's Property Assessment Division appropriation was reduced by $66,078 in FY '84 to fund HB 526 to satisfy the judgment of the District Court in the case of The Conrad National Bank of Kalispell v. the Department of Revenue. The Department should make a good faith effort to recover the county's share of the liability in this case."

Amendment passed as follows:

Ayes: Aklestad, Berg, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Hager, Halligan, Hammond, Jacobson, Keating, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Thomas, Van Valkenburg, Mr. President.
Total 34

Noes: Blaylock, Brown, Eck, Haffey, R. Manning, Regan, Towe.
Total 7

Excused: None.
Total 0

Absent or not voting: Graham, Hazelbaker, Himsl, Kolstad, Lane, Lee, Story, Turnage, Tveit.
Total 9

That HB 447, third reading copy, be further amended as follows:

1. Page 29, line 17.
Following: line 16
Insert: "If utility costs exceed amounts approved by the legislature, supplemental funds may be requested by the general services division of the department of administration."

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Shaw.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 447, third reading copy, be further amended as follows:

1. Page 34, line 14.
Strike: "719,871 670,685"
Insert: "699,357 650,249"
Adjust: totals accordingly

Amendment passed as follows:

Ayes: Aklestad, Brown, Christiaens, Conover, Crippen, Daniels, Elliott, Etchart, Gage, Goodover, Hager, Hammond, Hazelbaker, Jacobson, Kolstad, Lynch, D. Manning, Marbut, McCallum, Mohar, Norman, Severson, Shaw, Smith, Stimatz, Story, Turnage, Mr. President.
Total 28

Noes: Berg, Blaylock, Dover, Eck, Fuller, Haffey, Halligan, Himsl, Keating, R. Manning, Mazurek, Regan, Towe, Van Valkenburg.
Total 14

Excused: None.
Total 0

Absent or not voting: Boylan, Galt, Graham, Lane, Lee, Ochsner, Thomas, Tveit.
Total 8

That HB 447, third reading copy, be further amended as follows:

1. Page 34, line 19.
Strike: "3,084,824 3,107,207"
Insert: "2,979,133 3,015,286"
Adjust: totals accordingly

Amendment failed as follows:

Ayes: Aklestad, Boylan, Conover, Gage, Goodover, Hammond, Kolstad, McCallum, Ochsner, Shaw, Smith.
Total 11

Noes: Berg, Blaylock, Brown, Christiaens, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Severson, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 36

Excused: None.
Total 0

Absent or not voting: Galt, Lee, Tveit.
Total 3

That HB 447, third reading copy, be further amended as follows:

1. Page 35, line 18.
Following: "plan."
Insert: "The department shall report quarterly to the Legislative Finance Committee the progress achieved on the work plan. The Department of Highways is directed to:

(1) develop and institute a comprehensive construction project planning system. This system will be operational no later than July 1, 1985, and will be the basis for:

(a) project scheduling;

(b) project monitoring;

(c) manpower planning;

(d) work measurement and evaluation;

(e) cash flow projections;

(f) long- and short-range construction goals; and

(g) budget preparation.

(2) utilize the partial funding method for construction projects;

(3) institute a cash forecasting system to minimize cash reserves;

(4) submit to the 1985 legislature a construction work plan for the 1987 biennium that is detailed by year, project phase, and fund. This work plan must specify, by road system or project area, proposed projects on which $1 million or more would be spent during the 1987 biennium and an aggregate cost for projects with anticipated expenditures of less than $1 million. Costs must be detailed by year, fund, and project phase.

(5) institute a maintenance management system for the maintenance division that incorporates equipment needs and usage. This system will be operational no later than July 1, 1985. Conduct a thorough assessment of equipment needs based on maintenance needs by geographic area.

(6) submit to the 1985 legislature a maintenance work plan for all operational systems that ties directly to the maintenance division budget request for the 1985 biennium.

(7) report quarterly to the legislative finance committee regarding the progress of the above-mentioned items."

Amendment passed as follows:

Ayes: Aklestad, Boylan, Brown, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Goodover, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lane, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Tveit.
Total 26

Noes: Berg, Blaylock, Christiaens, Eck, Fuller, Graham, Haffey, Halligan, Himsl, Jacobson, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 21

Excused: None.
Total 0

Absent or not voting: Galt, Turnage, Mr. President.
Total 3

That HB 447, third reading copy, be further amended as follows:

1. Page 14, line 21.

Strike: "1,882,541 1,905,454"
Insert: "1,878,110 1,900,536"

2. Page 15, line 5.
Strike: "2,777,273 2,871,580"
Insert: "2,671,960 2,754,682"

3. Page 21, line 6.
Strike: "11,350,400 11,021,820"
Insert: "11,334,678 11,004,370"

Amendment failed as follows:

Ayes: Aklestad, Boylan, Crippen, Dover, Elliott, Gage, Goodover, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lee, D. Manning, McCallum, Ochsner, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 22

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Eck, Etchart, Fuller, Graham, Haffey, Halligan, Himsl, Jacobson, Lane, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Severson, Stimatz, Thomas, Towe, Van Valkenburg.
Total 26

Excused: None.
Total 0

Absent or not voting: Daniels, Galt.
Total 2

SECTION B. HUMAN SERVICES

That HB 447, third reading copy, be further amended as follows:

1. Page 47, line 17.
Strike: "1,628,625"
Insert: "1,679,750"
Adjust: totals accordingly

Amendment passed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Goodover, Graham, Haffey, Halligan, Jacobson, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Regan, Severson, Shaw, Stimatz, Towe, Turnage, Van Valkenburg.
Total 29

Noes: Aklestad, Boylan, Brown, Dover, Elliott, Etchart, Gage, Hager, Hammond, Hazelbaker, Himsl, Keating, Lee, Ochsner, Smith, Story, Tveit, Mr. President.
Total 18

Excused: None.
Total 0

Absent or not voting: Galt, Norman, Thomas.
Total 3

That HB 447, third reading copy, be further amended as follows:

1. Page 51, line 15.
Strike: lines 15 through 17 in their entirety

2. Page 50, line 10.
Strike: lines 10 and 11 in their entirety

Insert: (under 1984 General Fund): "11,801,644
(under 1984 Federal Special Fund): 1,407,486
(under 1984 Total): 13,209,130
(under 1985 General Fund): 12,649,493
(under 1985 Federal Special Fund): 1,438,003
(under 1985 Total): 14,087,496"

Amendment failed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 23

Noes: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Tveit, Mr. President.
Total 24

Excused: None.
Total 0

Absent or not voting: Boylan, Thomas, Turnage.
Total 3

That HB 447, third reading copy, be further amended as follows:

1. Page 51, line 17.
Following: line 17
Insert: "In the event federal law precludes the transfer of funds to the social services block grant as mandated herein, the department may spend an amount not to exceed $1,110,730 in each fiscal year from any unappropriated, unencumbered general fund balance to make up the unanticipated shortfall as approved by the budget director."

Amendment failed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Gage, Graham, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 24

Noes: Aklestad, Boylan, Brown, Dover, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Mr. President.
Total 24

Excused: None.
Total 0

Absent or not voting: Thomas, Tveit.
Total 2

SECTION C. NATURAL RESOURCES

That HB 447, third reading copy, be further amended as follows:

1. Page 56, line 21.

Strike:	"207,992	290,669	204,591	291,551"
Insert:	"167,312	249,989	164,067	251,027"

Adjust: totals accordingly

Amendment failed as follows:

Ayes: Boylan, Brown, Crippen, Daniels, Dover, Elliott, Gage, Kolstad, Lee, McCallum, Severson, Shaw, Story.
Total 13

Noes: Aklestad, Berg, Blaylock, Christiaens, Conover, Eck, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Himsl, Jacobson, Keating, Lane, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 35

Excused: None.
Total 0

Absent or not voting: Hazelbaker, D. Manning.
Total 2

That HB 447, third reading copy, be further amended as follows:

1. Page 56.
Following: line 23
Insert: "c. Additional Operations
(under Federal): 97,969
(under Total): 97,969
(under Federal): 99,325
(under Total): 99,325"
Adjust: totals accordingly

2. Page 58.
Following: line 16
Insert: "Appropriation in 1C will require an interaccount loan from general fund for program initiation, which loan may be extended through but not beyond June 30, 1985, pending receipt of bond proceeds."

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Goodover, Shaw.
Total 2

Excused: None.
Total 0

Absent or not voting: Lee, D. Manning, Ochsner, Story.
Total 4

That HB 447, third reading copy, be further amended as follows:

1. Page 55, line 25.
Strike: "1,953,747 1,949,327"
Insert: "1,903,247 1,903,247"
Adjust: totals accordingly

2. Page 59, line 18.
Strike: "4,089,515 6,853,941 4,278,179 7,038,445"
Insert: "4,009,765 6,774,191 4,193,079 6,953,345"
Adjust: totals accordingly

3. Page 60, line 21.
Strike: "3,917,683 3,984,301 3,914,076 3,981,520"
Insert: "3,806,716 3,873,334 3,866,838 3,934,282"
Adjust: totals accordingly

Amendment passed as follows:

Ayes: Aklestad, Berg, Boylan, Christiaens, Crippen, Daniels, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Jacobson, Kolstad, Lane, Lynch, Mazurek, McCallum, Ochsner, Severson, Smith, Stimatz, Story, Turnage, Tveit, Mr. President.
Total 28

Noes: Blaylock, Brown, Conover, Dover, Eck, Fuller, Graham, Haffey, Halligan, Himsl, Keating, R. Manning, Marbut, Mohar, Norman, Regan, Shaw, Thomas, Towe, Van Valkenburg.
Total 20

Excused: None.
Total 0

Absent or not voting: Lee, D. Manning.
Total 2

That HB 447, third reading copy, be further amended as follows:

1. Page 59, line 18.
Strike: "4,009,765 4,193,079"
Insert: "3,994,816 4,179,816"

2. Page 62, line 18.
Strike: "2,771,908 1,797,082"
Insert: "2,768,703 1,793,525"

3. Page 64, line 12.
Strike: "440,578 432,759"
Insert: "436,816 428,583"

Amendment passed as follows:

Ayes: Aklestad, Berg, Boylan, Christiaens, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lee, McCallum, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Mr. President.
Total 28

Noes: Blaylock, Conover, Eck, Fuller, Graham, Haffey, Halligan, Himsl, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Thomas, Towe, Van Valkenburg.
Total 19

Excused: None.
Total 0

Absent or not voting: Brown, D. Manning, Marbut.
Total 3

That HB 447, third reading copy, be further amended as follows:

1. Page 61.

Following: line 22
Insert: "The appropriation on line 5 from proprietary funds in fiscal 1984 and fiscal 1985 is for contracted services to maintain the capitol complex grounds."

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Kolstad moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Signed by the President at 10:00 a.m., 4/13/83: HB 357, HB 399, HB 465, HB 521, HB 565, HB 576, HB 572, HB 591, HB 628, HB 662, HB 673, HB 685, HB 702, HB 705, HB 714, HB 715, HB 718, HB 746, HB 772, HB 788, HB 792, HB 805, HB 814, HB 826, HB 853, HB 856, HB 862, HB 886, HB 892, HB 907.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
HB 103, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Conference Committee
on SB 48
Report No. 1, April 12, 1983

Mr. President and Speaker of the House:

We, your conference committee on SB 48, met April 12, 1983, and considered the amendments of the following committees:

House Committee on State Administration

We recommend that:

The Senate accede to Standing Committee amendments 1 through 3.

The conference committee report on SB 48 be adopted.

For the Senate: For the House:

Senator Story, Chairman Representative Brand, Chairman

Senator Tveit
Senator Towe

Representative Driscoll
Representative Mueller

Free Conference Committee
on SB 456
Report No. 1, April 12, 1983

Mr. President and Speaker of the House:

We, your free conference committee on SB 456, met April 12, 1983, and considered the amendments of the following committees:

House Committee on Business and Industry (3/22/83)

House Committee of the Whole (3/23/83)

House Committee of the Whole (3/24/83)

House Committee of the Whole (3/28/83)

We recommend that:

The Senate accede to all House amendments.

SB 456 be further amended as indicated in clerical instruction 1.

The reference copy of SB 456 be amended to read as specified in the clerical instructions.

The free conference committee report on SB 456 be adopted.

Clerical Instructions:

1. Page 5, line 14.
Following: "6]."
Strike: remainder of line 14 and lines 15 and 16 in their entirety

For the Senate:

Senator Gage, Chairman
Senator Crippen
Senator Fuller

For the House:

Representative Harper, Chairman
Representative Nisbet
Representative Harp

Conference Committee
on HB 53
Report No. 1, April 12, 1983

Mr. President and Speaker of the House:

We, your conference committee on HB 53, met April 12, 1983, and considered the amendments of the following committees:

Senate Committee on Judiciary

We recommend that:

The Senate recede from Standing Committee amendment 3.

The House accede to Standing Committee amendments 1, 2, and 4 through 8.

The reference copy of HB 53 be amended to read as specified in the clerical instructions.

The conference committee report on HB 53 be adopted.

Clerical Instructions:

1. Senate Standing Committee amendments.
Strike: amendment 3

For the Senate:

Senator Turnage, Chairman
Senator Shaw
Senator Daniels

For the House:

Representative Spaeth, Chairman
Representative Bergene
Representative Addy

Conference Committee
on HB 150
Report No. 1, April 12, 1983

Mr. President and Speaker of the House:

We, your conference committee on HB 150, met April 12, 1983, and considered the amendments of the following committees:

Senate Committee on Judiciary (3/2/83)

We recommend that:

The House accede to Standing Committee amendments.

The conference committee report on HB 150 be adopted.

For the Senate:

Senator Turnage, Chairman
Senator Hazelbaker
Senator Mazurek

For the House:

Representative Peck, Chairman
Representative D. Brown
Representative Iverson

Conference Committee
on HB 846
Report No. 1, April 12, 1983

Mr. President and Speaker of the House:

We, your conference committee on HB 846, met April 12, 1983, and considered the amendments of the following committees:

Senate Committee on State Administration

We recommend that:

The Senate recede from Standing Committee amendments 1 through 7.

The reference copy of HB 846 be amended to read as specified in the clerical instructions.

The conference committee report on HB 846 be adopted.

Clerical Instructions:

1. Senate Standing Committee amendments.
Strike: amendments 1 through 7

For the Senate:

Senator Story, Chairman
Senator Marbut
Senator Daniels

For the House:

Representative Brand, Chairman
Representative McBride
Representative C. Smith

Conference Committee
on HJR 19
Report No. 1, April 12, 1983

Mr. President and Speaker of the House:

We, your conference committee on HJR 19, met April 12, 1983, and considered the amendments of the following committees:

Senate Committee on State Administration

We recommend that:

The Senate recede from Standing Committee amendment 1.

The reference copy of HJR 19 be amended to read as specified in the clerical instructions.

The conference committee report on HJR 19 be adopted.

Clerical Instructions:

1. Senate Standing Committee amendments.
Strike: amendment 1

For the Senate:	For the House:
Senator Marbut, Chairman	Representative Kennerly, Chairman
Senator Graham	Representative Asay
Senator Hammond	Representative Howe

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly printed and placed on the members' desks: SJR 26.
Correctly enrolled: SB 107, SB 313, SB 335, SB 436.
Examined by the sponsor (Blaylock) and found to be correct: SB 107, SB 436.
Examined by the sponsor (Halligan) and found to be correct: SB 313.
Examined by the sponsor (Towe) and found to be correct: SB 335.
Signed by the President at 4:30 p.m., 4/13/83: SB 107, SB 313, SB 335, SB 436.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 1, third reading copy, be amended as follows:

1. Page 2, line 13.
Strike: "106,400"
Insert: "75,000"

2. Page 2, line 19.
Strike: "197,414"
Insert: "100,000"

3. Page 3, line 5.
Strike: "446,441"
Insert: "400,000"

4. Page 3, line 9.
Strike: "448,532"
Insert: "400,000"

5. Page 3, line 12.
Following: line 11
Insert: "University Business Management Development Program 100,000"

6. Page 3, line 20.

Strike: "208,830"
Insert: "100,000"

7. Page 3, line 25.
Following: line 25
Insert: "Montana Economic Reporting and Forecasting System, as authorized by subsections (2) and (4) of 90-1-102 and 90-1-107(1) 100,000"

8. Page 4, line 3.
Following: line 2
Insert: "Business Location Promotion, as authorized by subsections (2), (3), and (6) of 90-1-105 150,000"

9. Page 4, line 11.
Strike: "470,000"
Insert: "400,000"

10. Page 4, line 14.
Strike: "$1,000,000"
Insert: "500,000"

11. Page 4, line 24.
Strike: "$4,077,617"
Insert: "3,525,000"

And, as amended, be concurred in. Report adopted.

HB 112, third reading copy, be amended as follows:

1. Page 1, line 14.
Strike: "$1,500,000"
Insert: "$1,000,000"

And, as amended, be concurred in. Report adopted.

HB 114, third reading copy, be amended as follows:

1. Page 2.
Following: line 11
Strike: lines 12 and 13 in their entirety

And, as amended, be concurred in. Report adopted.

HB 153, be concurred in. Report adopted.
HB 187, be concurred in. Report adopted.
HB 285, be concurred in. Report adopted.
HB 317, be concurred in. Report adopted.
HB 407, be concurred in. Report adopted.
HB 418, be concurred in. Report adopted.
HB 510, third reading copy, be amended as follows:

1. Page 2, line 14.
Following: "from"
Strike: "the COMMUNITY SERVICES BLOCK GRANT"
Insert: "federal funds made available specifically for special commodity distribution"

And, as amended, be concurred in. Report adopted.

HB 526, be concurred in. Report adopted.
HB 600, third reading copy, be amended as follows:

1. Page 9, line 3.

Strike: "$6 million"
Insert: "$3 million"

And, as amended, be concurred in. Report adopted.

HB 613, third reading copy, be amended as follows:

1. Page 2, line 15.
Following: "department"
Strike: "for deposit"
Insert: "of which an amount sufficient to reimburse local governments shall be deposited in the agency fund provided for in 17-2-102, and the remainder shall be deposited"

2. Page 3, line 18.
Following: "fund"
Insert: "except that an amount sufficient to reimburse local governments shall be deposited in the agency fund"

3. Page 4, line 10.
Strike: "$10"
Insert: "$153,537"

And, as amended, be concurred in. Report adopted.

HB 692, be concurred in. Report adopted.
HB 785, be concurred in. Report adopted.
HB 815, third reading copy, be amended as follows:

1. Title, line 10.
Strike: "PREPARATION OF A PLAN FOR"

2. Title, line 11.
Strike: "ABANDONED"
Following: "RIGHTS-OF-WAY"
Insert: "THAT MAY BE ABANDONED"

3. Title, line 12.
Strike: "$10,000 FROM THE GENERAL FUND"
Insert: "FUNDS"

4. Page 1, line 16.
Following: line 15
Insert: "Section 1. Purpose. Identification of those railroad lines proposed for abandonment in the State of Montana that may have potential for local transportation service is necessary to determine the feasibility of acquisition by the state and to allow the state to negotiate for acquisition of those railroad lines."
Renumber: subsequent sections

5. Page 1, line 17.
Strike: "shall"

6. Page 1, line 18.
Following: "(1)"
Insert: "shall"

7. Page 1, line 18.
Strike: "abandoned"

8. Page 1, line 19.
Following: "state"
Insert: "that may be abandoned and research the feasibility of acquisition by the State of Montana of those rights-of-way that may be abandoned"

9. Page 1, line 20.
Following: "(2)"
Strike: remainder of line 20 through line 1 on page 2
Insert: "shall report periodically to the legislative finance committee, created in 5-12-201, on the progress of the duties imposed upon it pursuant to subsection (1);

(3) may negotiate for and acquire the railroad rights-of-way and attendant facilities identified pursuant to subsection (1) and hold all such acquired lands in trust for transportation purposes; and

(4) upon creation of an appropriate local authority, other than an agency of state government, shall transfer to such local authority all attendant facilities and all rights and responsibility to operate and maintain transportation services over the lands acquired in subsection (1).

Section 3. Report to Legislature. The Department of Commerce may research the feasibility and desirability of state acquisition of abandoned railroad rights-of-way and shall submit to the 49th legislature a plan for and the estimated cost of acquisition of those identified abandoned railroad rights-of-way for which acquisition is found to be feasible and desirable."
Renumber: subsequent sections

10. Page 2, line 3.
Strike: "$10,000"
Insert: "$64,682"

11. Page 2, line 5.
Strike: "1"
Insert: "2"

And, as amended, be concurred in. Report adopted.

HB 819, third reading copy, be amended as follows:

1. Title, line 8.
Following: "~~ACCOUNT~~"
Strike: remainder of line 8 through "FUNDS" on line 9
Insert: "RENEWABLE RESOURCES DEVELOPMENT ACCOUNT"

2. Page 2, line 1.
Following: "~~30,~~"
Strike: remainder of line 1 through "LANDS" on line 3
Insert: "renewable resources development account"

And, as amended, be concurred in. Report adopted.

HB 820, third reading copy, be amended as follows:

1. Page 2, line 3.
Following: "department"
Insert: "of administration"
Following: "used"
Insert: ", upon recommendation of the department of commerce,"

2. Page 2, line 9.
Following: "portion,"
Strike: "as established by law"
Insert: "as provided in [House Bill 900]"

3. Page 2, line 10.

Following: "bonds"
Insert: "upon the authorization and sale of the bonds by the state and notwithstanding the provisions of Title 17, chapter 7, part 2"

4. Page 2, line 13.
Strike: "subsection"
Insert: "subsections"
Following: "(3)"
Insert: "and (4)"

5. Page 2, line 14.
Following: line 13
Insert: "(4) All loans must:

(a) bear an interest rate that fully retires the long-range building bonds issued under the authorization provided by the 48th Legislature;

(b) mature not later than such bonds; and

(c) include reimbursement of administrative costs as required by subsection (5)."
Renumber: subsequent subsections

6. Page 3, line 4.
Following: "date"
Insert: "— termination date"

7. Page 3, line 5.
Following: "approval."
Insert: "This act terminates on June 30, 1985, except that a loan made prior to June 30, 1985, is subject to the provisions of this act notwithstanding the duration of such loan."

And, as amended, be concurred in. Report adopted.

HB 897, third reading copy, be amended as follows:

1. Page 4, line 3.
Strike: "125,000"
Insert: "100,000"

2. Page 4, line 5.
Strike: "125,000"
Insert: "100,000"

3. Page 4, line 7.
Strike: "125,000"
Insert: "100,000"

4. Page 4, line 8.
Strike: "125,000"
Insert: "100,000"

5. Page 4, line 14.
Strike: "125,000"
Insert: "100,000"

6. Page 4, line 17.
Strike: "125,000"
Insert: "100,000"

7. Page 4, line 22.
Strike: "125,000"

Insert: "100,000"

8. Page 4, line 24.
Strike: "125,000"
Insert: "100,000"

9. Page 4, line 25.
Strike: "125,000"
Insert: "100,000"

10. Page 5, line 1.
Strike: "125,000"
Insert: "100,000"

11. Page 5, line 5.
Strike: "125,000"
Insert: "100,000"

12. Page 6, line 1.
Following: page 5, line 25
Insert: "DNRC; Completion Yellowstone Offstream Hydropower Study G $100,000"

13. Page 6, line 5.
Strike: "125,000"
Insert: "100,000"

14. Page 6, line 7.
Strike: "125,000"
Insert: "100,000"

15. Page 9, line 18.
Strike: "125,000"
Insert: "100,000"

16. Page 9, line 20.
Strike: "125,000"
Insert: "100,000"

17. Page 10, line 1.
Strike: "125,000"
Insert: "100,000"

18. Page 10, line 3.
Strike: "125,000"
Insert: "100,000"

19. Page 10, line 7.
Strike: "125,000"
Insert: "100,000"

20. Page 10, line 8.
Strike: "125,000"
Insert: "100,000"

21. Page 10, line 12.
Strike: "125,000"
Insert: "100,000"

22. Page 11, line 5.
Strike: "125,000"
Insert: "100,000"

23. Page 11, line 6.

Strike: "125,000"
Insert: "100,000"

24. Page 11, line 11.
Strike: "125,000"
Insert: "100,000"

25. Page 11, line 15.
Strike: "125,000"
Insert: "100,000"

26. Page 11, line 22.
Strike: "125,000"
Insert: "100,000"

27. Page 12, line 3.
Strike: "125,000"
Insert: "100,000"

28. Page 12, line 17.
Strike: "157,000"
Insert: "100,000"

And, as amended, be concurred in. Report adopted.

HB 901, be concurred in. Report adopted.
HB 902, third reading copy, be amended as follows:

1. Page 9, line 15.
Following: "funds."
Insert: "(1)"

2. Page 9, line 19.
Following: line 18
Insert: "(2) Unexpended agency appropriation balances in the first year of the biennium may be transferred to the second year of the biennium to offset the costs of pay increases."

3. Page 15, line 6.
Strike: "$12,720,000"
Insert: "$6,200,000"

And, as amended, be concurred in. Report adopted.

HB 919, third reading copy, be amended as follows:

1. Page 2, line 1.
Strike: "$24,737,000"
Insert: "$11,500,000"

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens April 13, 1983
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 280, 415.

Sincerely,

Ted Schwinden
Governor

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

April 13, 1983

The Honorable Daniel Kemmis
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Stephens and Representative Kemmis:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 83, "AN ACT TO AMEND SECTION 13-1-106, MCA, TO REQUIRE THAT ELECTION POLLS OPEN AT 7 A.M." and recommend the attached amendment for the following reasons.

Current law provides that polls in polling places having 100 or more registered electors open at 8:00 a.m. and polls in polling places with fewer than 100 registered electors open at noon.

As introduced, House Bill No. 83 changed the 8:00 a.m. opening time to 7:00 a.m. It did not change the elector limit for noon opening. The bill, however, was amended after the introduction to raise that limit to fewer than 200 electors. The title of the bill was not amended to reflect this change.

The amendment I am proposing changes the title to reflect the content of the bill as passed.

I urge your concurrence in this amendment.

Governor's Proposed Amendments
to HB 83

1. Title, line 7.
Following: "POLLS"
Insert: "IN POLLING PLACES HAVING FEWER THAN 200 REGISTERED ELECTORS"

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate bill not concurred in and returned to the Senate: 4/12/83

SJR 19, introduced by Thomas

House bills passed and transmitted to the Senate for concurrence: 4/11/83

HB 558, introduced by Manuel, et al.

HB 900, introduced by Manuel

The House, on 4/12/83, acceded to the request of the Senate and appointed a free conference committee to meet with a like committee from the Senate to confer on SB 401.

The Speaker appointed the following members:

Representative Spaeth, Chairman
Representative Hanson
Representative Harper

The House, on 4/12/83, acceded to the request of the Senate and appointed a free conference committee to meet with a like committee from the Senate to confer on SB 439.

The Speaker appointed the following members:

Representative McBride, Chairman
Representative Fabrega
Representative Kadas

MOTIONS

Senator Hazelbaker moved that the President be authorized to dissolve the conference committee on Senate amendments to HB 677 and that he be authorized to appoint a new conference committee. Motion carried.

The President appointed the following members:

Senator Turnage, Chairman
Senator Van Valkenburg
Senator Hazelbaker

Senator Crippen moved that HB 923 be taken from the Committee on Business and Industry and that it be referred to the Committee on Taxation. Motion carried unanimously.

FIRST READING OF BILLS

The following Senate bills were introduced, read first time, and referred to committees:

SB 429, introduced by R. Manning, Brand, Menahan, Halligan. Referred to Committee on Rules.
SB 452, introduced by Fuller, J. Brown. Referred to Committee on Rules.

The following House bills were introduced, read first time, and referred to committees:

HB 558, introduced by Manuel, Thomas, Haffey, Jacobson, Kemmis, Eck, Asay, Lane, Menahan, Vincent, (By Request of the Department of Administration). Referred to Committee on Rules.
HB 900, introduced by Manuel. Referred to Committee on Rules.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 6:52 p.m., until Thursday, April 14, 1983, at the hour of 10:00 a.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTY-FOURTH LEGISLATIVE DAY

Helena, Montana
April 14, 1983

Senate Chambers
State Capitol

Senate convened at 10:05 a.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the eighty-third legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Delivered to the Governor for his approval at 9:45 a.m., 4/14/83: SB 69, SB 159, SB 201, SB 214, SB 227, SB 249, SB 309, SB 316, SB 378, SB 391, SB 395, SB 410, SB 441, SB 448, SB 454.

TAXATION (Goodover, Chairman):
HB 923, be concurred in. Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Kolstad in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SECTION D. DEPARTMENT OF INSTITUTIONS

HB 447 - That HB 447, third reading copy, be amended as follows:

1. Page 68, line 10.
Strike: "4,469,969 4,532,945"
Insert: "4,462,186 4,524,306"

2. Page 70, line 10.
Strike: "10,768,814 10,836,299"
Insert: "10,761,649 10,828,345"

3. Page 73, line 8.
Strike: "9,257,703 9,133,601"
Insert: "9,250,700 9,125,828"

4. Page 76, line 10.
Strike: "18,703,668 16,949,299"
Insert: "18,697,270 16,942,197"

Amendment passed as follows:

Ayes: Aklestad, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 24

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Eck, Fuller, Graham, Haffey, Halligan, Himsl, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Regan, Stimatz, Thomas, Towe, Van Valkenburg.

Total 22

Excused: None.
Total 0

Absent or not voting: Boylan, Hazelbaker, D. Manning, Norman.
Total 4

That HB 447, third reading copy, be further amended as follows:

1. Page 73, line 8.
Strike: "9,133,601"
Insert: "9,298,063"
Adjust: totals accordingly

2. Page 73.
Strike: lines 9 and 10
Adjust: totals accordingly

Amendment failed as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Eck, Etchart, Fuller, Haffey, Halligan, Jacobson, Lane, Lee, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 23

Noes: Aklestad, Brown, Crippen, Dover, Elliott, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 25

Excused: None.
Total 0

Absent or not voting: D. Manning, Thomas.
Total 2

SECTION E. OTHER EDUCATION
SECTION F. HIGHER EDUCATION

That HB 447, third reading copy, be further amended as follows:

1. Page 90.
Following: line 18
Insert: "If additional federal funds become available to support the Montana Folklife Project, they may be added by budget amendment."

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

That HB 447, third reading copy, be further amended as follows:

1. Page 97, line 7.
Strike: "5,753,116 5,828,216"
Insert: "5,745,647 5,819,926"

Amendment passed as follows:

Ayes: Aklestad, Brown, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hazelbaker, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 25

Noes: Berg, Blaylock, Boylan, Christiaens, Conover, Eck, Fuller, Haffey, Halligan, Hammond, Himsl, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 22

Excused: None.
Total 0

Absent or not voting: Graham, D. Manning, Thomas.
Total 3

Request by Senator Blaylock that the Senate revert to section 2, human services, for the purpose of amendment. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lynch, R. Manning, Mazurek, McCallum, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Turnage, Van Valkenburg.
Total 25

Noes: Aklestad, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, Ochsner, Severson, Shaw, Smith, Story, Tveit, Mr. President.
Total 23

Excused: None.
Total 0

Absent or not voting: Lane, D. Manning.
Total 2

SECTION B. HUMAN SERVICES

That HB 447, third reading copy, be further amended as follows:

1. Page 21, line 6.
Strike: "$10,818,463 $10,561,610"
Insert: "$11,284,322 $11,021,820"

Amendment failed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Dover, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lane, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 21

Noes: Aklestad, Boylan, Brown, Crippen, Daniels, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lee, Lynch, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 27

Excused: None.
Total 0

Absent or not voting: Himsl, D. Manning.
Total 2

That HB 447, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: D. Manning.
Total 1

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Kolstad moved the adoption of the committee report. Report adopted.

Senate recessed at 12:03 p.m.

Senate resumed at 1:31 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

AGRICULTURE, LIVESTOCK AND IRRIGATION (Galt, Chairman):
HB 908, third reading copy, be amended as follows:

1. Title, line 10.
Following: "MARKETING"
Insert: "PROVIDING FOR THE AMENDMENT AND STUDY OF THE LAWS RELATED TO THE ACQUISITION, TRANSPORTATION, AND USE OF WATER"

2. Title, lines 11 and 12.
Strike: "75-20-104," on line 11 through "75-20-1202," on line 12
Following: "85-1-205" on line 12
Strike: ","

3. Title, line 14.
Following: "DATE"
Insert: "AND A TERMINATION DATE"

4. Page 1, line 17 through page 15, line 24.
Strike: sections 1 through 6 in their entirety
Renumber: subsequent sections

5. Page 16, line 2.
Following: "."
Insert: "(1)"
Following: "water"
Insert: "or water storage"

6. Page 16, line 5.
Following: "industrial"
Strike: "use"
Insert: "and other uses"

7. Page 16, line 10.
Strike: "as" through "85-2-311"
Insert: "as it considers appropriate, except as provided in subsection (2).

(2) Until a final decree has been issued pursuant to 85-2-234 concerning the waters in a federal reservoir, the department may sell, rent, or distribute such water only after a permit has been issued to an applicant for purchase, rent, or distribution of water in accordance with part 3 of this chapter"

8. Page 17, line 17 through page 19, line 2.
Strike: lines 17 on page 17 through line 2 on page 19 in their entirety
Insert: "(2) A permit for an appropriation of 10,000 or more acre-feet of water a year or 15 or more cubic feet per second of water on applications filed with the department after [the effective date of this act] may not be issued unless the department petitions the legislature and the legislature affirms the issuance by the department."

9. Page 19, line 12.
Strike: "any of the"

10. Page 22, line 6.
Following: line 5
Insert: "NEW SECTION. Section 7. Termination date. This act terminates July 1, 1985."

And, as amended, be concurred in. Report adopted.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 885, third reading copy, be amended as follows:

1. Page 3, line 16.
Following: line 15
Insert: "(c) Three Forks water system improvement;

(d) Manhattan wastewater treatment system improvement;

(e) Manhattan water system capital improvements;"
Renumber: subsequent subsections

2. Page 4, line 2.
Following: line 1
Insert: "(1) Ennis sewage treatment construction;"
Renumber: subsequent subsections

3. Page 4, line 6.

Following: line 5
Insert: ";

(p) Belgrade water system improvements;

(q) Whitefish sewer system improvements;

(r) Columbia Falls water and sewer system improvements;

(s) Conrad water system improvements;

(t) Sage Creek water district;

(u) Shelby sewer system improvements;

(v) Hot Springs sewer system improvements;

(w) Power-Teton County sewer system improvements;

(x) Libby sewer system improvements;

(y) Bigfork sewer system improvements"

4. Page 9, line 1.
Strike: "$11,524,281"
Insert: "$18,981,781"

5. Page 10, line 10.
Following: line 9
Insert: "(a) (i) Bonds to a maximum amount of $1,100,000 may be issued for a loan to the city of Three Forks for the purpose of financing improvements in the city's water system.

(ii) The project, which will rehabilitate existing components of the city water system and change the source of the water supply from the Madison River drainage to the Jefferson River drainage, is needed to resolve the health hazard in the city's existing water supply caused by excessive levels of arsenic.

(iii) The loan must be repaid at a 6% interest rate.

(b) (i) Bonds to a maximum amount of $130,000 may be issued for a loan to the city of Manhattan for the purpose of financing improvements in the city's wastewater treatment system.

(ii) The project is needed because the existing city wastewater stabilization ponds provide inadequate treatment to meet future effluent limitations.

(iii) The loan must be repaid at a 6% interest rate.

(c) (i) Bonds to a maximum amount of $170,000 may be used for a loan to the city of Manhattan for the purpose of financing capital improvements in the city's water system.

(ii) The project is needed for promotion of conservation of water by encouraging city water customers to use less water and for rehabilitation of the water system.

(iii) The loan must be repaid at a 6% interest rate."
Renumber: subsequent subsections

6. Page 13, line 3.
Following: line 2
Insert: "(j) (i) Bonds to a maximum amount of $180,000 may be issued for a loan to the city of Ennis for the purpose of financing, in part, sewage treatment construction.

(ii) The project is needed to build an additional sewage settling cell in the city of Ennis because the present sewage treatment system is inadequate to meet the demands of the city's rising population and is not in compliance with federal standards.

(iii) The loan must be repaid at a 6% interest rate."
Renumber: subsequent subsections

7. Page 13, line 6.
Following: "~~(K)~~"
Strike: "(G)"
Insert: "(K)"

8. Page 14, line 19.
Following: line 18
Insert: "(n) (i) Bonds to a maximum amount of $1,235,000 may be issued for a loan to the city of Belgrade for the purpose of financing improvements in the city's water system.

(ii) The project, which will rehabilitate existing components of the city water system, construct an additional well to supply the water system, and install residence meters, is needed to meet the demands of the city's growing population and to conserve the available water for future use.

(iii) The loan must be repaid at a 6% interest rate.

(o) (i) Bonds to a maximum amount of $1,500,000 may be issued for a loan to the Whitefish county water and sewer district for the purpose of engineering design and construction of sewage main collectors and interceptors in the Whitefish Basin, the design to follow feasibility studies which are part of a water quality management plan in progress. Design and construction may start by July 1, 1984.

(ii) The loan must be repaid at a 6% interest rate.

(p) (i) Bonds to a maximum amount of $200,000 may be issued for a loan to the City of Columbia Falls for the purpose of partially financing improvements to city water and sewer lines.

(ii) The project is needed to replace existing water and sewer lines with new larger lines and because of the reconstruction of highway 2 in the area where the lines are located.

(iii) The loan must be repaid at a 6% interest rate.

(q) (i) Bonds to a maximum amount of $500,000 may be issued for a loan to the city of Conrad for the purpose of financing improvements in the city's water system.

(ii) The project, which will replace a transmission line from the existing treatment plant to the distribution system, is needed because the existing steel pipe transmission has numerous breaks and has deteriorated to the extent that it cannot provide a reliable supply of water to the city.

(iii) The loan must be repaid at a 6% interest rate.

(r) (i) Bonds to a maximum amount of $750,000 may be issued for a loan to the Sage Creek water district, if that district is formed prior to the sale of bonds pursuant to this act, for the purpose of financing construction of a rural water supply system for northern Liberty and Hill counties.

(ii) The project is needed because residents of the area now must haul domestic water because of the scarcity and poor quality of ground water, and it is probable that they will have to haul stock water in the future.

(iii) The loan must be repaid at a 6% interest rate.

(s) (i) Bonds to a maximum amount of $592,000 may be issued for a loan to the city of Shelby for the purpose of partially financing rehabilitation of the city's sewer system.

(ii) The project is needed to replace pipes that have deteriorated because of age and that are inadequate in size to serve the population of Shelby.

(iii) The loan must be repaid at a 6% interest rate.

(t) (i) Bonds to a maximum amount of $182,000 may be issued for a loan to the town of Hot Springs for the purpose of sewer system improvements.

(ii) The loan must be repaid at a 6% interest rate.

(u) (i) Bonds to a maximum amount of $200,000 may be issued for a loan to the Power-Teton water and sewer district for the purpose of partially financing improvements to the town of Power's sewer system.

(ii) The project is needed to install a collection and treatment facility to address the present health hazard and pollution problem.

(iii) The loan must be repaid at a 2% interest rate.

(v) (i) Bonds to a maximum amount of $590,500 may be issued for a loan to the city of Libby for the purpose of partially financing construction of a secondary sewage treatment plant for the city.

(ii) The project is needed because the city's present sewage treatment system is not in compliance with public health standards.

(iii) The loan must be repaid at a 6% interest rate.

(w) (i) Bonds to a maximum amount of $250,000 may be issued for a loan to the city of Bigfork for the purpose of partially financing rehabilitation of the city's sewage treatment plant.

(ii) The project is needed because the existing treatment plant is inadequate to meet the needs of the city and, as a result, poor quality effluent is being discharged by the system.

(iii) The loan must be repaid at a 6% interest rate."

9. Page 15, line 23.
Following: "met." on line 22
Insert: "Prior to the issuance of the bonds, the department of natural resources and conservation shall review the projects to determine their technical and financial feasibility and report to the board of examiners."

And, as amended, be concurred in. Report adopted.

HB 898, third reading copy, be amended as follows:

1. Title, line 12.
Following: "CHILDREN;"

Insert: "TO TRANSFER THE FISCAL 1983 APPROPRIATION FOR THE CHRONIC RENAL DISEASE PROGRAM FROM THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES; TO REAPPROPRIATE UNEXPENDED FUNDS FOR THE RENAL PROGRAM FOR EXPENDITURES IN FISCAL 1984; TO PROVIDE SPENDING AUTHORITY FOR THE ELIGIBILITY DETERMINATION PROGRAM;"

2. Page 2, line 13.
Following: "46.9.310."
Insert: "The unexpended portion of $125,000 general fund appropriated for fiscal 1983 in House Bill 2 of Special Session 1 of the 47th Legislature, to the Department of Social and Rehabilitation Services for the Chronic Renal Disease program is transferred to the Department of Health and Environmental Sciences. The unexpended balance of the transferred amount remaining on June 30, 1983, is reappropriated to the Department of Health and Environmental Sciences for the fiscal year ending June 30, 1984."

3. Page 2, line 20.
Following: line 19
Insert: "Section 4. Appropriation. There is appropriated $295,020 from the federal special revenue fund to the Department of Social and Rehabilitation Services for the fiscal year ending June 30, 1983, for the purpose of paying costs resulting from settlement of a law suit involving eligibility determination personnel."
Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

RULES (Hazelbaker, Chairman):
Recommend that the Senate suspend the rules, that House amendments to SB 429, House amendments to SB 452, HB 558, HB 900, HB 668, and HJR 38 be accepted by the Senate and that the President assign the bills to the proper committees. Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Kolstad in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 544 - That HB 544, third reading copy, be amended as follows:

1. Page 1, line 16 through page 8, line 9.
Strike: everything following the enacting clause
Insert: "Section 1. Section 20-9-316, MCA, is amended to read:

"20-9-316. Elementary school maximum budget schedule for ~~1981-82~~ 1983-84. (1) For each elementary school having an ANB of nine or fewer pupils, the maximum shall be ~~$15,578~~ $18,627 if said school is approved as an isolated school.

(2) For schools with an ANB of 10 pupils but less than 18 pupils, the maximum shall be ~~$15,578~~ $18,627 plus ~~$651~~ $778.50 per pupil on the basis of the average number belonging over nine.

(3) For schools with an ANB of 18 pupils and employing one teacher, the maximum shall be ~~$21,438~~ $25,634 plus ~~$651~~ $778.50 per pupil on the basis of the average number belonging over 18, not to exceed an ANB of 25.

(4) For schools with an ANB of 18 pupils and employing two full-time teachers, the maximum shall be ~~$34,227~~ $40,926 plus ~~$407.70~~ $487.50 per pupil on the basis of the average number belonging over 18, not to exceed an ANB of 50.

(5) For schools having an ANB in excess of 40, the maximum on the basis of the total pupils (ANB) in the district for elementary pupils will be as follows:

(a) For a school having an ANB of more than 40 and employing a minimum of three teachers, the maximum of ~~$1,513~~ $1,809 shall be decreased at the rate of ~~$1.47~~ $1.76 for each additional pupil until the total number (ANB) shall have reached a total of 100 pupils.

(b) For a school having an ANB of more than 100 pupils, the maximum of ~~$1,424~~ $1,703 shall be decreased at the rate of ~~$1.34~~ $1.61 for each additional pupil until the ANB shall have reached 300 pupils.

(c) For a school having an ANB of more than 300 pupils, the maximum shall not exceed ~~$1,156~~ $1,382 for each pupil.

(6) The maximum per pupil for all pupils (ANB) and for all elementary schools shall be computed on the basis of the amount allowed herein on account of the last eligible pupil (ANB). All elementary schools operated within the incorporated limits of a city or town shall be treated as one school for the purpose of this schedule."

Section 2. Section 20-9-317, MCA, is amended to read:

"20-9-317. High school maximum budget schedule for ~~1981-82~~ 1983-84. (1) For each high school having an ANB of 24 or fewer pupils, the maximum shall be ~~$88,753~~ $106,155.

(2) For a secondary school having an ANB of more than 24 pupils, the maximum ~~$3,698~~ $4,423 shall be decreased at the rate of ~~$20.17~~ $24.12 for each additional pupil until the ANB shall have reached a total of 40 such pupils.

(3) For a school having an ANB of more than 40 pupils, the maximum of ~~$3,375~~ $4,037 shall be decreased at the rate of ~~$20.17~~ $24.12 for each additional pupil until the ANB shall have reached 100 pupils.

(4) For a school having an ANB of more than 100 pupils, a maximum of ~~$2,165~~ $2,590 shall be decreased at the rate of ~~$3.37~~ $4.04 for each additional pupil until the ANB shall have reached 200 pupils.

(5) For a school having an ANB of more than 200 pupils, the maximum of ~~$1,828~~ $2,186 shall be decreased by ~~$1.85~~ $2.22 for each additional pupil until the ANB shall have reached 300 pupils.

(6) For a school having an ANB of more than 300 pupils, the maximum of ~~$1,642~~ $1,964 shall be decreased at the rate of ~~34~~ 41 cents until the ANB shall have reached 600 pupils.

(7) For a school having an ANB over 600 pupils, the maximum shall not exceed ~~$1,540~~ $1,842 per pupil.

(8) The maximum per pupil for all pupils (ANB) and for all high schools shall be computed on the basis of the amount allowed herein on account of the last eligible pupil (ANB). All high schools and junior high schools which have been approved and accredited as junior high schools, operated within the incorporated limits of a city or town, shall be treated as one school for the purpose of this schedule."

Section 3. Section 20-9-318, MCA, is amended to read:

"20-9-318. Elementary school maximum budget schedule for ~~1982-83~~ 1984-85 and succeeding years. For 1984-85 and succeeding school years, the elementary school maximum budget schedule is as follows:

(1) For each elementary school having an ANB of nine or fewer pupils, the maximum shall be ~~$17,915~~ $19,186 if said school is approved as an isolated school.

(2) For schools with an ANB of 10 pupils but less than 18 pupils, the maximum shall be ~~$17,915~~ $19,186 plus ~~$748.70~~ $801.80 per pupil on the basis of the average number belonging over nine.

(3) For schools with an ANB of 18 pupils and employing one teacher, the maximum shall be ~~$24,654~~ $26,403 plus ~~$748.70~~ $801.80 per pupil on the basis of the average number belonging over 18, not to exceed an ANB of 25.

(4) For schools with an ANB of 18 pupils and employing two full-time teachers, the maximum shall be ~~$39,361~~ $42,154 plus ~~$468.90~~ $502.10 per pupil on the basis of the average number belonging over 18, not to exceed an ANB of 50.

(5) For schools having an ANB in excess of 40, the maximum on the basis of the total pupils (ANB) in the district for elementary pupils will be as follows:

(a) For a school having an ANB of more than 40 and employing a minimum of three teachers, the maximum of ~~$1,740~~ $1,863 shall be decreased at the rate of ~~$1.69~~ $1.81 for each additional pupil until the total number (ANB) shall have reached a total of 100 pupils.

(b) For a school having an ANB of more than 100 pupils, the maximum of ~~$1,638~~ $1,754 shall be decreased at the rate of ~~$1.54~~ $1.65 for each additional pupil until the ANB shall have reached 300 pupils.

(c) For a school having an ANB of more than 300 pupils, the maximum shall not exceed ~~$1,329~~ $1,424 for each pupil.

(6) The maximum per pupil for all pupils (ANB) and for all elementary schools shall be computed on the basis of the amount allowed herein on account of the last eligible pupil (ANB). All elementary schools operated within the incorporated limits of a city or town shall be treated as one school for the purpose of this schedule."

Section 4. Section 20-9-319, MCA, is amended to read:

"20-9-319. High school maximum budget schedule for ~~1982-83~~ 1984-85 and succeeding years. For 1984-85 and succeeding school years, the high school maximum budget schedule is as follows:

(1) For each high school having an ANB of 24 or fewer pupils, the maximum shall be ~~$102,066~~ $109,340.

(2) For a secondary school having an ANB of more than 24 pupils, the maximum ~~$4,253~~ $4,556 shall be decreased at the rate of ~~$23.19~~ $24.85 for each additional pupil until the ANB shall have reached a total of 40 such pupils.

(3) For a school having an ANB of more than 40 pupils, the maximum of ~~$3,882~~ $4,158 shall be decreased at the rate of ~~$23.19~~ $24.85 for each additional pupil until the ANB shall have reached 100 pupils.

(4) For a school having an ANB of more than 100 pupils, a maximum of ~~$2,490~~ $2,667 shall be decreased at the rate of ~~$3.88~~ $4.16 for each additional pupil until the ANB shall have reached 200 pupils.

(5) For a school having an ANB of more than 200 pupils, the maximum of ~~$2,102~~ $2,252 shall be decreased by ~~$2.13~~ $2.28 for each additional pupil until the ANB shall have reached 300 pupils.

(6) For a school having an ANB of more than 300 pupils, the maximum of ~~$1,889~~ $2,023 shall be decreased at the rate of ~~39~~ 42 cents until the ANB shall have reached 600 pupils.

(7) For a school having an ANB over 600 pupils, the maximum shall not exceed ~~$1,771~~ $1,897 per pupil.

(8) The maximum per pupil for all pupils (ANB) and for all high schools shall be computed on the basis of the amount allowed herein on account of the last eligible pupil (ANB). All high schools and junior high schools which have been approved and accredited as junior high schools, operated within the incorporated limits of a city or town, shall be treated as one school for the purpose of this schedule."

NEW SECTION. Section 5. Effective date. This act is effective on passage and approval.

-End-"

2. Senate Standing Committee amendments.
Strike: amendments 4 through 29

Amendment passed as follows:

Ayes: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 26

Noes: Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 24

Excused: None.

Total 0

Absent or not voting: None.
Total 0

That HB 544, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 739 - That HB 739, third reading copy, be amended as follows:

1. Strike: amendment 9

2. Page 7, line 6.
Following: "1982"
Insert: "and before January 1, 1987. Sections 3 and 4 are applicable to taxable years beginning after December 31, 1986.

(2) The carryover of credits earned under 15-30-162 or 15-31-123 prior to January 1, 1983, are not affected by this act."

Amendment failed as follows:

Ayes: Berg, Blaylock, Boylan, Conover, Daniels, Eck, Fuller, Haffey, Jacobson, Lynch, R. Manning, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 17

Noes: Aklestad, Brown, Christiaens, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, Mazurek, McCallum, Ochsner, Severson, Shaw, Story, Thomas, Turnage, Tveit, Mr. President.
Total 29

Excused: None.
Total 0

Absent or not voting: Graham, Lane, D. Manning, Smith.
Total 4

That HB 739 be concurred in. Motion carried as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.

Total 40

Noes: Dover, Galt, Hammond, Keating, Kolstad, Lee, Tveit.
Total 7

Excused: None.
Total 0

Absent or not voting: Berg, Hager, Marbut.
Total 3

HB 841 - That HB 841, third reading copy, be amended as follows:

1. Page 1, line 13.
Following: "EXEMPT"
Insert: "CERTAIN"

2. Page 3, line 17.
Following: "1983,"
Insert: "received by persons for services rendered by them to patrons of premises licensed to provide food, beverage, or lodging"

3. Page 7, line 21.
Following: "1983,"
Insert: "received by persons for services rendered by them to patrons of premises licensed to provide food, beverage, or lodging"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 841, third reading copy, be further amended as follows:

1. Title, line 13.
Following: "EXEMPT"
Strike: "TIPS"
Insert: "ALLOCATED TIP INCOME THAT EXCEEDS TIP INCOME"

2. Title, line 15.
Following: "~~SECTION~~"
Strike: "SECTIONS"
Insert: "SECTION"
Following: "15-30-111"
Strike: "AND 15-30-201"

3. Page 3, line 15.
Following: "(1)"
Strike: remainder of line 15
Insert: "tip income allocated under section 6053(c)(3) of the"

4. Page 3, line 16.
Following: "1954"
Strike: ", as amended and"

5. Page 3, line 17.
Following: "1983"
Insert: "to the extent that the allocated tip income exceeds tip income received"

6. Page 4, line 13.
Strike: section 2 in its entirety
Renumber: subsequent sections

Amendment failed as follows:

Ayes: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Marbut, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 23

Noes: Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Eck, Fuller, Gage, Graham, Haffey, Halligan, Jacobson, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 27

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 841, as amended, be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Fuller, Gage, Goodover, Graham, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 40

Noes: Aklestad, Elliott, Etchart, Galt, Hager, Hammond, Keating, Ochsner, Tveit, Mr. President.
Total 10

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 847 - That HB 847, third reading copy, be amended as follows:

1. Amendment 4.
Following: "Strike: sections 1"
Strike: ", 2,"

Substitute motion that HB 847, third reading copy, be amended as follows:

1. Senate Standing Committee amendments.
Strike: amendments 1 through 6 in their entirety

Amendment passed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Fuller, Galt, Goodover, Graham, Haffey, Halligan, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Shaw, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 35

Noes: Aklestad, Boylan, Brown, Dover, Etchart, Gage, Hager, Hammond, Lee, McCallum, Severson, Smith, Story, Tveit.
Total 14

Excused: None.
Total 0

Absent or not voting: Himsl.
Total 1

That HB 847, third reading copy, be further amended as follows:

1. Page 4, line 9.
Following: "1985"
Insert: "and thereafter"

2. Page 4, line 12.
Following: "1985"
Insert: "and thereafter"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 847, as amended, be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 40

Noes: Aklestad, Boylan, Brown, Gage, Hammond, Lee, Smith, Story, Tveit.

Total 9

Excused: None.
Total 0

Absent or not voting: McCallum.
Total 1

HB 890 - That HB 890 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 922 - That HB 922 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 924 - That HB 924 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 103 - That consideration on HB 103 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 42

Noes: Elliott, Tveit.
Total 2

Excused: None.
Total 0

Absent or not voting: Dover, Himsl, D. Manning, R. Manning, Severson, Turnage.
Total 6

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Kolstad moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Hazelbaker moved that the President be authorized to dissolve the conference committee on Senate amendments to HB 749 and that he be authorized to appoint a free conference committee. Motion carried.

Senator Hazelbaker moved that the President be authorized to dissolve the conference committee on House amendments to SB 170 and that he be authorized to appoint a free conference committee. Motion carried.

The President appointed the following members:

Senator Turnage, Chairman
Senator Crippen
Senator Boylan

Senator Hazelbaker moved that the rules be temporarily suspended in order to receive House amendments to SB 429, House amendments to SB 452, SB 465, HB 558, HB 668, HB 900, and HJR 38 as approved by the Senate Rules Committee. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Eck, Etchart, Fuller, Gage, Galt, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg.
Total 38

Noes: Crippen, Elliott, Goodover, Hager, Keating, Lee.
Total 6

Excused: None.

Total 0

Absent or not voting: Dover, Graham, Hammond, Marbut, Severson, Mr. President.
Total 6

Senator Regan moved that HB 400, as amended in committee, be taken from the Committee on Finance and Claims and that it be printed and placed on second reading. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Gage, Goodover, Graham, Haffey, Halligan, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Stimatz, Thomas, Towe, Turnage, Van Valkenburg.
Total 36

Noes: Aklestad, Dover, Elliott, Etchart, Galt, Hager, Hammond, Hazelbaker, Keating, Shaw, Smith, Tveit, Mr. President.
Total 13

Excused: None.
Total 0

Absent or not voting: Story.
Total 1

HB 400, third reading copy, was amended in committee as follows:

1. Page 8, line 15.
Following: "the"
Insert: "state"

Senator Stimatz moved that the rules be temporarily suspended in order to receive and act on HB 920. Motion failed as follows:

Ayes: Berg, Boylan, Christiaens, Daniels, Etchart, Graham, Haffey, Halligan, Jacobson, Lane, Lee, Lynch, D. Manning, R. Manning, Norman, Regan, Stimatz, Towe, Tveit, Van Valkenburg.
Total 20

Noes: Aklestad, Blaylock, Brown, Conover, Crippen, Dover, Eck, Fuller, Gage, Galt, Hager, Hazelbaker, Himsl, Keating, Kolstad, Marbut, Mazurek, McCallum, Mohar, Ochsner, Severson, Shaw, Smith, Story, Turnage, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: Elliott, Goodover, Hammond, Thomas.
Total 4

Senator Fuller moved that HB 800 be taken from the Committee on Finance and Claims and that it be printed and placed on second reading. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Gage, Galt, Graham, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 28

Noes: Aklestad, Dover, Etchart, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, McCallum, Ochsner, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 21

Excused: None.
Total 0

Absent or not voting: Elliott.
Total 1

Senator Van Valkenburg moved that HB 405 be taken from the Committee on Finance and Claims and that it be printed and placed on second reading. Motion failed as follows:

Ayes: Berg, Blaylock, Conover, Daniels, Dover, Eck, Fuller, Galt, Haffey, Halligan, Jacobson, Kolstad, Lane, Lynch, D. Manning, R. Manning, Mazurek, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 23

Noes: Aklestad, Boylan, Brown, Crippen, Elliott, Etchart, Gage, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 23

Excused: None.
Total 0

Absent or not voting: Christiaens, Graham, Lee, Mohar.
Total 4

Senator Jacobson moved that HB 640 be taken from the Committee on Finance and Claims and that it be printed and placed on second reading. Motion failed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 24

Noes: Aklestad, Boylan, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Marbut, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Lynch moved that HB 724 be taken from the Committee on Finance and Claims and that it be printed and placed on second reading. Motion failed as follows:

Ayes: Berg, Blaylock, Christiaens, Crippen, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Van Valkenburg.
Total 19

Noes: Aklestad, Boylan, Brown, Conover, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, D. Manning, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Towe, Turnage, Tveit, Mr. President.
Total 31

Excused: None.
Total 0

Absent or not voting: None.
Total 0

The President appointed the following free conference committee to confer on HB 191.

Senator Turnage, Chairman
Senator Shaw
Senator Daniels

Senator Keating moved that HB 446, as amended in committee, be taken from the Committee on Finance and Claims and that it be printed and placed on second reading. Motion carried as follows:

Ayes: Berg, Boylan, Conover, Crippen, Daniels, Dover, Fuller, Galt, Goodover, Haffey, Hager, Halligan, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Norman, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 29

Noes: Aklestad, Blaylock, Brown, Christiaens, Eck, Elliott, Etchart, Gage, Graham, Hammond, Hazelbaker, Himsl, R. Manning, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Towe, Turnage.
Total 21

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 446, third reading copy, was amended in committee as follows:

1. Title, line 13.
Following: "MCA"
Insert: "; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE"

2. Page 1, line 21.
Following: "~~67%~~"
Strike: "89%"
Insert: "67%"
Following: "year"
Strike: remainder of line 21 through "THEREAFTER" on line 22

3. Page 1, line 24.
Following: "~~33%~~"
Strike: "11%"
Insert: "33%"

4. Page 1, line 25.
Following: "year"
Strike: remainder of line 25 through "THEREAFTER" on page 2, line 1

5. Page 10, line 4.
Following: line 3
Insert: "NEW SECTION. Section 12. Effective date — applicability. This act is effective July 1, 1985, and applies to taxable years beginning after December 31, 1984."

Senator Halligan moved that HB 793 be taken from the Committee on Finance and Claims and that it be printed and placed on second reading. Motion failed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lane, Lee, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Towe, Van Valkenburg.
Total 21

Noes: Aklestad, Boylan, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, D. Manning, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Mr. President.
Total 29

Excused: None.
Total 0

Absent or not voting: None.
Total 0

FIRST READING OF BILLS

The following Senate bill was introduced, read first time, and referred to committee:

SB 465, introduced by Turnage, Towe. Referred to Committee on Judiciary.

The following House bills were introduced, read first time, and referred to committees:

HB 558, introduced by Manuel, Thomas, Haffey, Jacobson, Kemmis, Eck, Asay, Lane, Menahan, Vincent, (By Request of the Department of Administration). Referred to Committee on Finance and Claims.
HB 668, introduced by Brand. Referred to Committee on State Administration.
HB 900, introduced by Manuel. Referred to Committee on Finance and Claims.
HJR 38, introduced by Bardanouve, Marks, Turnage. Referred to Committee on State Administration.

Senate recessed at 4:49 p.m.

Senate resumed at 5:02 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 5.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Conference committee reports adopted: 4/13/83

Conference committee report on HB 743

Free conference committee reports adopted: 4/13/83

Free conference committee report on HB 377

Free conference committee report on HB 408

Free conference committee report on HB 663

Free conference committee report on HB 802

Free conference committee report on HB 825

The House, on 4/13/83, dissolved the conference committee on HB 191 and appointed a free conference committee to meet with a like committee from the Senate to confer on HB 191.

The Speaker appointed the following members:

Representative Addy, Chairman
Representative Farris
Representative Ramirez

The House, on 4/13/83, acceded to the request of the Senate and appointed a conference committee to meet with a like committee from the Senate to confer on House amendments to SB 235.

The Speaker appointed the following members:

Representative Waldron, Chairman
Representative Donaldson
Representative Roush

The House, on 4/13/83, failed to concur in Senate amendments to HB 742 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 742.

The Speaker appointed the following members:

Representative O'Connell, Chairman
Representative Hand
Representative Kitselman

The House, on 4/14/83, acceded to the request of the Senate for the return of HB 171, introduced by Williams, Yardley, and is returning said bill to the Senate for further consideration.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

Conference Committee
on SB 428
Report No. 1, April 11, 1983

Mr. President and Speaker of the House:

We, your conference committee on SB 428, met April 11, 1983, and considered the amendments of the following committees:

House Committee on Local Government

We recommend that:

The House recede from Standing Committee amendments 1 and 8.

The Senate accede to Standing Committee amendments 2 through 7, 9, and 10.

The reference copy of SB 428 be amended to read as specified in the clerical instructions.

The conference committee report on SB 428 be adopted.

Clerical Instructions:

1. House Standing Committee amendments.
Strike: amendments 1 and 8

For the Senate:

Senator Etchart, Chairman
Senator Hammond
Senator Eck

For the House:

Representative Schye, Chairman
Representative Holliday
Representative Vinger

Free Conference Committee
on HB 191
Report No. 1, April 13, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 191, met April 13, 1983, and considered the amendments of the following committees:

Senate Committee on Judiciary (3/25/83)

We recommend that:

The Senate recede from Standing Committee amendments.

HB 191 be further amended as indicated in clerical instruction 2.

The reference copy of HB 191 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 191 be adopted.

Clerical Instructions:

1. Senate Standing Committee amendments.
Strike: amendments 1 and 2

2. Page 3, line 6.
Following: "~~vests~~"
Strike: "~~not later than the time of~~"
Insert: "immediately preceding"

For the Senate:

Senator Turnage, Chairman
Senator Daniels
Senator Shaw

For the House:

Representative Addy, Chairman
Representative Ramirez
Representative Farris

Free Conference Committee
on HB 545
Report No. 1, April 13, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 545, met April 13, 1983, and considered the amendments of the following committees:

Senate Committee on Agriculture, Livestock and Irrigation (3/24/83)

Senate Committee of the Whole (3/26/83)

We recommend that:

The House accede to Committee of the Whole amendments.

The Senate recede from Standing Committee amendments.

HB 545 be further amended as indicated in the clerical instructions.

The reference copy of HB 545 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 545 be adopted.

Clerical Instructions:

1. Page 4, line 24.
Following: "shall"
Insert: ", through rules it adopts,"

2. Page 5, line 1.
Following: "80-11-205(1)(e)"
Insert: "and administer the dispersal of money received for losses covered by the insurance contracts"

3. Insert: statement of intent as follows:

Statement of Intent
HB 545

This bill requires a statement of intent because [section 3] requires the Department of Agriculture to adopt rules to implement the purchase of insurance contracts authorized under [section 2]. Rules adopted under [section 3] should establish procedures for submitting loss claims, calculating the amount of loss, adjusting for overcompensation, and any further requirements necessary to ensure that insurance contracts are properly administered for the benefits of the growers.

For the Senate:

Senator Aklestad, Chairman
Senator Kolstad
Senator Conover

For the House:

Representative Manuel, Chairman
Representative Lybeck
Representative Bliss

Conference Committee
on HB 606
Report No. 1, April 12, 1983

Mr. President and Speaker of the House:

We, your conference committee on HB 606, met April 12, 1983, and considered the amendments of the following committees:

Senate Committee on Highways and Transportation (3/16/83)

Senate Committee of the Whole (3/21/83)

Senate Committee of the Whole (3/23/83)

We recommend that:

The House accede to all Senate amendments.

The conference committee report on HB 606 be adopted.

For the Senate:

Senator Shaw, Chairman
Senator Daniels
Senator Gage

For the House:

Representative Koehnke, Chairman
Representative J. Hammond
Representative R. Jensen

Conference Committee
on HB 733
Report No. 1, April 12, 1983

Mr. President and Speaker of the House:

We, your conference committee on HB 733, met April 12, 1983, and considered the amendments of the following committees:

Senate Committee on Local Government

We recommend that:

The House accede to Standing Committee amendments 1, 2, and 3.

The conference committee report on HB 733 be adopted.

For the Senate:	For the House:
Senator Story, Chairman	Representative Bengtson, Chairman
Senator Hammond	Representative Fagg
Senator Towe	Representative Harper

Free Conference Committee
on HB 798
Report No. 1, April 13, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 798, met April 13, 1983, and considered the amendments of the following committees:

Senate Committee of the Whole (3/25/83)

We recommend that:

The House accede to Committee of the Whole amendments.

HB 798 be further amended as indicated in clerical instructions 1 through 4.

The reference copy of HB 798 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 798 be adopted.

Clerical Instructions:

1. Title, line 13.
Following: "MCA;"
Insert: "PROVIDING AN APPROPRIATION;"

2. Page 6, line 25.
Following: "1982,"
Insert: "plus 1.5 mills not to exceed a total of 12 mills,"

3. Page 7, line 5.
Following: "June 30,"
Strike: "1988"
Insert: "1984"

4. Page 20.
Following: line 8
Insert: "<u>NEW SECTION.</u> Section 18. Appropriation. To carry out the purposes of this act, the following is appropriated to the department of social and rehabilitation services for the biennium ending June 30, 1985:

(1) $8 million from the general fund; and

(2) all revenues accruing under the provisions of section 7 of this act."

Renumber: subsequent section

For the Senate:

Senator Dover, Chairman
Senator Fuller
Senator Aklestad

For the House:

Representative McBride, Chairman
Representative Bertelsen
Representative Bardanouve

Free Conference Committee
on HB 880
Report No. 1, April 12, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 880, met April 12, 1983, and considered the amendments of the following committees:

Senate Committee on Judiciary (3/25/83)

Senate Committee of the Whole (3/28/83)

We recommend that:

The House accede to Standing Committee amendments.

The House accede to Committee of the Whole amendments 1 through 3, 5, 7, and 8.

The Senate recede from Committee of the Whole amendments 4 and 6.

HB 880 be further amended as indicated in clerical instructions 1 through 21.

The reference copy of HB 880 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 880 be adopted.

Clerical Instructions:

1. Title, line 14.
Strike: "DEPARTMENT"
Insert: "DEPARTMENTS"
Following: "OF"
Insert: "HEALTH AND ENVIRONMENTAL SCIENCES AND"

2. Title, lines 16 and 17.
Strike: "DIRECTING THE COUNTY ATTORNEY TO FILE CHARGES"
Insert: "PROVIDING PENALTIES"

3. Page 2.
Following: line 12
Insert: "(3) "Long-term care facility" means a facility defined in 50-5-101(20)."
Renumber: subsequent subsections

4. Page 3, line 5.
Strike: "(4)"
Insert: "(3)"

5. Page 3, line 9.

Following: "shall"
Strike: "."
Insert: ": (a) if the older person is not a resident of a long-term care facility,"

6. Page 3, line 12.
Strike: "(A)"
Insert: "(i)"

7. Page 3, line 15.
Strike: "(B)"
Insert: "(ii)"

8. Page 3, line 17.
Strike: "; AND"
Insert: "."

9. Page 3, lines 18 through 21.
Strike: subsection (c) in its entirety
Insert: "(b) if the older person is a resident of a long-term care facility, report the matter to the long-term care ombudsman appointed under the provisions of 42 USC 3027 (a)(12), and to the department of health and environmental sciences. The department shall investigate the matter pursuant to its authority in 50-5-204 and, if it finds any allegations of abuse, exploitation, or neglect contained in the report to be substantially true, forward a copy of the report to the department of social and rehabilitation services and to the county attorney provided in subsection (a)(ii)."

10. Page 4, lines 5 through 11.
Strike: subsection (3) in its entirety
Renumber: subsequent subsections

11. Page 5, line 7.
Strike: "OR"
Insert: "and"

12. Page 6, line 18.
Following: "UNDER"
Insert: "["
Following: "THIS"
Insert: "act]"

13. Page 6, line 21.
Strike: "IN"
Insert: "required to be kept confidential by"

14. Page 7, lines 2 through 13.
Strike: subsections (b), (c), (d), and (e) in their entirety
Renumber: subsequent subsections

15. Page 8, lines 2 and 3.
Strike: "violating [section 10]"
Insert: "an offense constituting abuse, exploitation, or neglect"

16. Page 8.
Following: line 5
Insert: "(3) The records and reports required to be kept confidential by [section 6(1)] shall be disclosed upon request to the following persons or entities in this or any other state:

(a) a county attorney or other law enforcement official who requires the information in connection with an investigation of a violation of [sections 1 through 11];

(b) a court which has determined, in camera, that public disclosure of the report, data, information, or record is necessary for the determination of an issue before it;

(c) a grand jury upon its determination that the report, data, information, or record is necessary in the conduct of its official business."

Renumber: subsequent subsections

17. Page 8, line 16.
Following: "THE"
Insert: "report is false in any material respect and the"

18. Page 9, line 16.
Strike: "violates [sections 1 through 9]"
Insert: "fails to make a report required by [section 4] or discloses or fails to disclose the contents of a case record or report in violation of [section 6]"

19. Page 9, line 19.
Strike: "Section 11."

20. Page 10, lines 2 through 5.
Strike: lines 2 through 5 in their entirety
Renumber: subsequent sections

21. Page 10, lines 12 and 13.
Strike: section 13 in its entirety

For the Senate:

Senator Hazelbaker, Chairman
Senator Galt
Senator Halligan

For the House:

Representative Metcalf, Chairman
Representative Bergene
Representative Veleber

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Kolstad in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 112 - That HB 112 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 114 - That HB 114 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 153 - That HB 153 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 187 - That HB 187, without objection, be moved below HB 898.

HB 285 - That HB 285 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 317 - That HB 317 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 407 - That HB 407 be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Halligan, Hazelbaker, Jacobson, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit.
Total 35

Noes: Aklestad, Elliott, Hager, Hammond, Keating, Kolstad, McCallum, Ochsner, Severson, Shaw, Mr. President.
Total 11

Excused: None.
Total 0

Absent or not voting: Haffey, Himsl, D. Manning, Van Valkenburg.
Total 4

HB 418 - That HB 418 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 46

Noes: Elliott, Keating, Shaw, Tveit.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 510 - That HB 510 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan,

Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 526 - That HB 526 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 600 - That HB 600, third reading copy, be amended as follows:

1. Page 9, line 3.
Strike: "$3 million"
Insert: "$14.4 million"

Amendment failed as follows:

Ayes: Berg, Boylan, Christiaens, Daniels, Eck, Fuller, Halligan, Jacobson, Lee, Lynch, R. Manning, Norman, Stimatz, Towe, Van Valkenburg.
Total 15

Noes: Aklestad, Blaylock, Brown, Conover, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, D. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 35

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 600, third reading copy, be amended as follows:

1. Page 9, line 3.
Strike: "3 million"
Insert: "6 million"

Amendment failed as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 24

Noes: Aklestad, Brown, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 600 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Keating.
Total 1

Excused: None.
Total 0

Absent or not voting: Hager.
Total 1

HB 613 - That HB 613, without objection, be moved below HB 1.

HB 692 - That HB 692 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 44

Noes: Lynch, Stimatz, Tveit.
Total 3

Excused: None.
Total 0

Absent or not voting: Haffey, McCallum, Regan.
Total 3

HB 785 - That HB 785 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker,

Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 815 - That HB 815, without objection, be moved below HB 885.

HB 819 - That HB 819 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 820 - That HB 820 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 885 - That HB 885, third reading copy, be amended as follows:

1. Page 6.
Following: line 5
Insert: "(3) The maximum amount of bond revenue for each project approved in this section shall also include all and any relocation, reconstruction, remuneration, or other costs that affect

existing irrigation systems, private lands, utility lines, mines, roads, highways, and railroads that are subsequently affected by the development of a respective hydroelectric project."

Renumber: subsequent subsections

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 885, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, D. Manning, R. Manning Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Blaylock, Eck, Jacobson, Lynch, Regan, Stimatz.
Total 6

Excused: None.
Total 0

Absent or not voting: Brown, Hammond.
Total 2

HB 815 - That HB 815, without objection, be moved below HB 908.

HB 897 - That HB 897, without objection, be moved below HB 908.

HB 898 - That HB 898 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: None.
Total 0

HB 187 - That HB 187 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 901 - That HB 901 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 908 - That HB 908, third reading copy, be amended as follows:

1. Page 16, line 13.
Strike: "and (3)"
Insert: "through (4)"

2. Page 19, line 3.
Following: line 2
Insert: "(2) The department may not issue a permit for an appropriation of 10,000 or more acre-feet of water a year or 15 or more cubic feet per second of water unless the applicant has proven by clear and convincing evidence that the rights of a prior appropriator will not be adversely affected."
Renumber: subsequent subsections

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 908, third reading copy, be further amended as follows:

1. Senate Standing Committee amendments.
Strike: amendments 3, 8, 9, and 10

2. Page 17, line 25.
Following: "the"
Strike: "public interest"
Insert: "best interests of the state"

3. Page 18, line 2.
Following: "findings"
Strike: "pursuant to"
Insert: "whenever required by"

4. Page 18, line 4.
Following: "making"
Strike: "such a"
Insert: "the"
Following: "finding"
Insert: "required by 2(a)(i)(C)"

5. Page 19, lines 9 through 14.
Following: "restraint."
Strike: "No" through "section." on line 14

Amendment failed as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Norman, Ochsner, Regan, Stimatz, Towe, Van Valkenburg.
Total 22

Noes: Aklestad, Boylan, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, D. Manning, Marbut, McCallum, Severson, Shaw, Smith, Story, Thomas, Tveit, Mr. President.
Total 27

Excused: None.
Total 0

Absent or not voting: Turnage.
Total 1

That HB 908, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Regan, Severson, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Mohar, Ochsner, Shaw, Story.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 897 - That HB 897, third reading copy, be amended as follows:

1. Page 5, line 1.
Strike: "Roosevelt County Rural Water System"
Insert: "Culbertson; Water System"

2. Page 5, line 2.
Insert: "Rehabilitation"

3. Page 6, line 5.
Strike: "Culbertson; Water System"
Insert: "Roosevelt County Rural Water System"

4. Page 6, line 6.
Strike: "Rehabilitation"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 897, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 815 - That HB 815 be concurred in. Motion carried as follows:

Ayes: Aklestad, Boylan, Brown, Conover, Daniels, Dover, Elliott, Etchart, Galt, Haffey, Hager, Hammond, Hazelbaker, Kolstad, Lane, Lee, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 30

Noes: Berg, Blaylock, Christiaens, Crippen, Eck, Fuller, Gage, Goodover, Graham, Halligan, Himsl, Jacobson, Keating, Lynch, R. Manning, Ochsner, Regan, Shaw, Van Valkenburg.
Total 19

Excused: None.
Total 0

Absent or not voting: Turnage.
Total 1

HB 919 - That HB 919, third reading copy, be amended as follows:

1. Title, line 6.
Following: "~~STANDARDS~~"
Insert: "; AND TO REQUIRE THAT SOURCES OF FEDERAL FUNDS RECEIVED BY THE STATE OF MONTANA FOR EDUCATION AND TRAINING UNDER THE JOB TRAINING PARTNERSHIP ACT PROVISION FLOW THROUGH THE OFFICE OF PUBLIC INSTRUCTION IN ACCORDANCE WITH STATE STATUTES"

2. Page 1, line 15.
Following: "aid"
Insert: "and 20-3-106(19), 20-3-106(20), and 20-3-106(27) for federal funds"

3. Page 1, line 17.
Following: "school"
Insert: "and vocational education and training"

That HB 919, without objection, be moved below HB 1.

HB 923 - That HB 923 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 1 - That HB 1, third reading copy, be amended as follows:

1. Page 4, line 14.
Strike: "500,000"
Insert: "750,000"

Amendment failed as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 23

Noes: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: D. Manning.
Total 1

That HB 1, third reading copy, be amended as follows:

1. Item 7.
Strike: "100,000"
Insert: "150,000"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 1, third reading copy, be further amended as follows:

1. Page 4, line 7.
Strike: "1,200,000"
Insert: "800,000"
Adjust: totals accordingly

Amendment passed as follows:

Ayes: Aklestad, Brown, Christiaens, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, D. Manning, Marbut, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 30

Noes: Berg, Blaylock, Boylan, Conover, Eck, Fuller, Goodover, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 1, third reading copy, be further amended as follows:

1. Senate Standing Committee amendments.
Strike: amendments 1, 2, 3, 4, 6, 9, 10, and 11

Amendment failed as follows:

Ayes: Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Jacobson, Lynch, R. Manning, Mohar, Regan, Stimatz, Towe.
Total 13

Noes: Aklestad, Berg, Boylan, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, D. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Severson, Smith, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 36

Excused: None.
Total 0

Absent or not voting: Shaw.
Total 1

That HB 1, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 919 - That HB 919 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 613 - That HB 613, third reading copy, be amended as follows:

1. Page 3, line 13.
Following: line 12
Insert: "(4) The department shall reimburse local government bodies under department contract to review subdivisions as follows:

(a) Ten dollars ($10) per parcel for subdivisions containing over 5 parcels with individual sewage treatment systems.

(b) Fifteen dollars ($15) per parcel for subdivisions containing 5 or fewer parcels with public sewer.

(c) Twenty dollars ($20) per parcel for subdivisions with 3 to 5 parcels on individual sewage treatment systems.

(d) Twenty-five ($25) per parcel for divisions of 2 parcels or less on individual sewage treatment systems.

(e) Fifteen dollars ($15) per mobile home or trailer parcel in courts or parks containing 5 or fewer parcels installing individual or multiple family sewage treatment systems.

(f) Fifteen dollars ($15) per mobile home or trailer parcel in courts or parks containing over 5 parcels installing individual or multiple sewage treatment systems.

(g) Fifteen dollars ($15) per condominium living unit unless municipal sewer is utilized, then fifteen dollars ($15) per sewer hookup.

(5) The department may reimburse counties who have not been delegated review authority of subdivisions containing 5 or fewer parcels but who perform review services, including but not limited to on-site inspection of proposed and approved facilities and aiding of persons in the application procedure, as follows:

(a) Two dollars ($2) per parcel for subdivisions containing over 5 parcels with individual sewage treatment systems.

(b) Five dollars ($5) per parcel for subdivisions containing 5 or fewer parcels with individual sewage treatment systems.

(6) The department will reimburse the local governing bodies of first class cities $15 per parcel for a subdivision coming under the master plan exclusion.

(7) The department will reimburse the local governing bodies of second and third class cities $10 per parcel for a subdivision coming under the master plan exclusion.

(8) Funds will be reimbursed to the local governing bodies quarterly, based upon the fiscal year starting on July 1 and ending on June 30 of each year."

Substitute motion that HB 613 be not concurred in. Motion failed as follows:

Ayes: Aklestad, Boylan, Crippen, Dover, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lee, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 22

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Daniels, Eck, Etchart, Fuller, Graham, Haffey, Halligan, Himsl, Jacobson, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 27

Excused: None.
Total 0

Absent or not voting: Elliott.
Total 1

That HB 613, third reading copy, be amended as follows:

1. Page 3, line 13.
Following: line 12
Insert: "(4) The department shall reimburse local government bodies under department contract to review subdivisions as follows:

(a) Ten dollars ($10) per parcel for subdivisions containing over 5 parcels with individual sewage treatment systems.

(b) Fifteen dollars ($15) per parcel for subdivisions containing 5 or fewer parcels with public sewer.

(c) Twenty dollars ($20) per parcel for subdivisions with 3 to 5 parcels on individual sewage treatment systems.

(d) Twenty-five ($25) per parcel for divisions of 2 parcels or less on individual sewage treatment systems.

(e) Fifteen dollars ($15) per mobile home or trailer parcel in courts or parks containing 5 or fewer parcels installing individual or multiple family sewage treatment systems.

(f) Fifteen dollars ($15) per mobile home or trailer parcel in courts or parks containing over 5 parcels installing individual or multiple sewage treatment systems.

(g) Fifteen dollars ($15) per condominium living unit unless municipal sewer is utilized, then fifteen dollars ($15) per sewer hookup.

(5) The department may reimburse counties who have not been delegated review authority of subdivisions containing 5 or fewer parcels but who perform review services, including but not limited to on-site inspection of proposed and approved facilities and aiding of persons in the application procedure, as follows:

(a) Two dollars ($2) per parcel for subdivisions containing over 5 parcels with individual sewage treatment systems.

(b) Five dollars ($5) per parcel for subdivisions containing 5 or fewer parcels with individual sewage treatment systems.

(6) The department will reimburse the local governing bodies of first class cities $15 per parcel for a subdivision coming under the master plan exclusion.

(7) The department will reimburse the local governing bodies of second and third class cities $10 per parcel for a subdivision coming under the master plan exclusion.

(8) Funds will be reimbursed to the local governing bodies quarterly, based upon the fiscal year starting on July 1 and ending on June 30 of each year."

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, D. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 37

Noes: Boylan, Crippen, Hammond, Keating, Lee, Lynch, R. Manning, McCallum, Ochsner, Severson, Smith, Tveit.
Total 12

Excused: None.
Total 0

Absent or not voting: Elliott.
Total 1

That HB 613, as amended, be concurred in. Motion failed as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Daniels, Eck, Etchart, Fuller, Haffey, Halligan, Hazelbaker, Himsl, Lane, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Towe, Van Valkenburg.
Total 22

Noes: Aklestad, Boylan, Crippen, Dover, Elliott, Gage, Galt, Goodover, Graham, Hager, Hammond, Jacobson, Keating, Kolstad, Lee, Lynch, McCallum, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: Marbut, Thomas.
Total 2

That HB 613 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Boylan, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, McCallum, Mohar, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Turnage, Tveit, Mr. President.
Total 30

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Halligan, Himsl, D. Manning, R. Manning, Marbut, Mazurek, Norman, Regan, Thomas, Towe, Van Valkenburg.

Total 20

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Kolstad moved the adoption of the committee report. Report adopted.

Senate recessed subject to the call of the Chair for a Republican Caucus at 8:06 p.m.

Senate resumed at 8:44 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly enrolled: SB 106, SB 141, SB 167, SB 190, SB 217, SB 232, SB 298, SB 443, SB 446.
Examined by the sponsor (Blaylock) and found to be correct: SB 106.
Examined by the sponsor (Daniels) and found to be correct: SB 167.
Examined by the sponsor (Gage) and found to be correct: SB 141.
Examined by the sponsor (Haffey) and found to be correct: SB 217.
Examined by the sponsor (Himsl) and found to be correct: SB 190.
Examined by the sponsor (Regan) and found to be correct: SB 232.
Examined by the sponsor (Smith) and found to be correct: SB 443.
Examined by the sponsor (Thomas) and found to be correct: SB 446.
Examined by the sponsor (Towe) and found to be correct: SB 298.
Signed by the President at 5:00 p.m., 4/14/83: SB 106, SB 141, SB 167, SB 190, SB 217, SB 232, HB 92, HB 106, HB 119, HB 205, HB 570, HB 574, HB 582, HB 667, HB 670, HB 712, HB 747, HB 858, HJR 29.
Signed by the President at 5:30 p.m., 4/14/83: SB 298, SB 443, SB 446.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 334, third reading copy, be amended as follows:

1. Page 2, line 7.
Following: "appropriated"
Insert: "up to $50,000"

2. Page 2, line 8.
Following: "Trust"
Insert: "Interest"
Following: "Account"
Strike: remainder of line 8 through "$1,000" on line 9
Insert: "provided for in 15-38-201"

3. Page 2, line 10.
Following: "Conservation"
Insert: ", after any allocations made pursuant to House Bill 447, House Bill 876, House Bill 745, and House Bill 597,"

And, as amended, be concurred in. Report adopted.

HB 597, third reading copy, be amended as follows:

1. Title, line 4.
Strike: "$48,800"
Insert: "UP TO $48,000"

2. Page 1, line 11.
Following: line 10
Strike: lines 11, 12, and 13 in their entirety and through "38,]" on line 14
Insert: "up to $48,000 from the resource indemnity trust interest account provided for in 15-38-201"

3. Page 1, line 14.
Following: "Conservation"
Insert: ", after any allocations made under House Bill 447, House Bill 876, and House Bill 745,"

And, as amended, be concurred in. Report adopted.

HB 745, third reading copy, be amended as follows:

1. Title, line 6.
Strike: "$500"
Insert: "UP TO $100,000"

2. Title, line 9.
Following: "DAM"
Strike: remainder of line 9 through "BASIN" on line 12

3. Page 1, line 16.
Strike: "$500"
Insert: "up to $100,000"

4. Page 1, line 17.
Following: "the"
Insert: "remainder of the"

5. Page 1, line 19.
Following: "Conservation"
Insert: ", after any allocation made pursuant to House Bill 447 and House Bill 876,"

6. Page 1, line 23.
Strike: lines 23 through line 11 on page 2 in their entirety

And, as amended, be concurred in. Report adopted.

HB 876, third reading copy, be amended as follows:

1. Page 3, line 2.
Following: "~~$250,000~~"
Strike: "$1,000"
Insert: "up to $150,000"
Following: "the"
Insert: "remainder of the"
Following: "trust"
Insert: "interest"

2. Page 3, line 4.
Following: "Conservation"
Insert: ", after any allocations made under House Bill 447,"

And, as amended, be concurred in. Report adopted.

HB 914, third reading copy, be amended as follows:

1. Title, line 8.
Following: "RIVER"
Strike: remainder of line 8 through "ASSESSMENT" on line 9

2. Page 3, line 13.
Strike: lines 13 through 19 in their entirety

And, as amended, be concurred in. Report adopted.

TAXATION (Goodover, Chairman):
HB 755, third reading copy, be amended as follows:

1. Title, line 9.
Following: "APPLICABILITY DATE"
Insert: "AND AN IMMEDIATE EFFECTIVE DATE"

2. Page 3, lines 18 and 19.
Following: "costs"
Strike: remainder of line 18 through "4]" on line 19

3. Page 3, line 21.
Following: "from"
Insert: "that portion of"

4. Page 3, line 22.
Following: "liability"
Insert: "as set forth in [section 2(1)]"

5. Page 4, line 3.
Following: "credit"
Insert: ", subject to the limitation of [section 3],"

6. Page 5, line 9.
Following: line 8
Insert: ""[and the credits provided in SB 241]""

7. Page 5, line 10.
Following: "Section 9."
Strike: "Applicability"
Insert: "Effective and applicability date"
Following: "This act is"
Strike: "applicable for"
Insert: "effective on passage and approval and applies to"

8. Page 5, line 11.
Following: "December 31,"
Strike: "1983"
Insert: "1982"

And, as amended, be concurred in. Report adopted.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Kolstad in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 334 - That HB 334 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 400 - That HB 400 be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Gage, Goodover, Haffey, Halligan, Hazelbaker, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Mohar, Norman, Regan, Thomas, Towe, Van Valkenburg.
Total 29

Noes: Elliott, Etchart, Galt, Hager, Hammond, Keating, Marbut, Ochsner, Severson, Shaw, Smith, Story, Tveit, Mr. President.
Total 14

Excused: None.
Total 0

Absent or not voting: Aklestad, Boylan, Dover, Graham, Himsl, Stimatz, Turnage.
Total 7

HB 446 - That HB 446, third reading copy, be amended as follows:

1. Amendment 4.
Following: "Strike: line"
Strike: "1"
Insert: "25"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 446, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Blaylock, Elliott, Galt, Himsl, Regan, Towe.
Total 6

Excused: None.
Total 0

Absent or not voting: Brown, Graham.
Total 2

HB 597 - That HB 597 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 745 - That HB 745 be concurred in. Motion carried as follows:

Ayes: Boylan, Brown, Conover, Daniels, Elliott, Etchart, Goodover, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lee, Lynch, Marbut, Mazurek, McCallum, Norman, Ochsner, Smith, Thomas, Towe, Tveit, Van Valkenburg.
Total 27

Noes: Aklestad, Berg, Blaylock, Christiaens, Eck, Fuller, Gage, Galt, Halligan, Kolstad, R. Manning, Mohar, Regan, Severson, Shaw, Mr. President.
Total 16

Excused: None.
Total 0

Absent or not voting: Crippen, Dover, Graham, D. Manning, Stimatz, Story, Turnage.
Total 7

HB 755 - That HB 755 be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Eck, Etchart, Fuller, Goodover, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Story, Thomas, Towe, Van Valkenburg.
Total 29

Noes: Aklestad, Daniels, Elliott, Gage, Galt, Hammond, Keating, Kolstad, McCallum, Ochsner, Severson, Shaw, Turnage, Tveit, Mr. President.
Total 15

Excused: None.
Total 0

Absent or not voting: Dover, Graham, Himsl, Lee, Smith, Stimatz.
Total 6

HB 800 - That HB 800, third reading copy, be amended as follows:

1. Page 10, line 2.
Following: "ACT"
Insert: ", provided that a state match of at least $25,000 per year is secured from private donations for the purpose of administering the youth conservation corps program"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 800, as amended, be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Aklestad, Himsl, Keating, Severson, Shaw.
Total 5

Excused: None.
Total 0

Absent or not voting: Graham.
Total 1

HB 876 - That HB 876 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R.

Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 902 - That HB 902, third reading copy, be amended as follows:

1. Senate Standing Committee amendment 3.
Strike: "$6,200,000"
Insert: "$9,700,000"

2. Page 15, line 7.
Following: "act."
Insert: "In distributing funds necessary to implement this act among the various state agencies, no reduction shall be made on account of vacancy savings in instructional contract faculty within the Montana University System."

Substitute motion that HB 902, third reading copy, be amended as follows:

1. Instruction to legislative fiscal staff:
The fiscal staff shall prepare [HB 902] to give a $10/month insurance increase in fiscal 1984 and another $10 per month increase in fiscal 1985. There shall be no matrix increase nor step increase for employees in fiscal 1984. In fiscal 1985, employees shall receive a 3 ½ percent pay raise in addition to the health insurance. There is $2.7 million appropriated for this purpose.

Amendment failed as follows:

Ayes: Aklestad, Crippen, Dover, Elliott, Gage, Galt, Hager, Hammond, Hazelbaker, Keating, Lee, Marbut, Severson, Shaw, Tveit, Mr. President.
Total 16

Noes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Eck, Etchart, Fuller, Goodover, Haffey, Halligan, Himsl, Jacobson, Kolstad, Lane, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg.
Total 33

Excused: None.
Total 0

Absent or not voting: Graham.
Total 1

That HB 902, third reading copy, be amended as follows:

1. Senate Standing Committee amendment 3.
Strike: "$6,200,000"
Insert: "$9,700,000"

2. Page 15, line 7.

Following: "act."
Insert: "In distributing funds necessary to implement this act among the various state agencies, no reduction shall be made on account of vacancy savings in instructional contract faculty within the Montana University System."

Amendment passed as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 25

Noes: Aklestad, Brown, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 24

Excused: None.
Total 0

Absent or not voting: Graham.
Total 1

That HB 902, as amended, be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Etchart, Fuller, Goodover, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 39

Noes: Aklestad, Dover, Elliott, Gage, Galt, Hammond, Severson, Shaw, Story, Tveit.
Total 10

Excused: None.
Total 0

Absent or not voting: Graham.
Total 1

HB 914 - That HB 914 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Kolstad moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Van Valkenburg moved that the Senate reconsider its action in failing to adopt an earlier motion this day that HB 405 be taken from the Committee on Finance and Claims and that it be printed and placed on second reading this day. Motion carried as follows:

Ayes: Berg, Blaylock, Conover, Crippen, Daniels, Eck, Fuller, Galt, Haffey, Halligan, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, Mazurek, McCallum, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Turnage, Van Valkenburg.
Total 26

Noes: Aklestad, Boylan, Brown, Christiaens, Dover, Elliott, Etchart, Gage, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, R. Manning, Marbut, Ochsner, Severson, Shaw, Smith, Story, Tveit, Mr. President.
Total 23

Excused: None.
Total 0

Absent or not voting: Graham.
Total 1

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Kolstad in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 405 - That HB 405, third reading copy, be amended as follows:

1. Page 3, line 10.
Strike: "197,000"
Insert: "94,800"

2. Page 3, line 11.
Following: "for"
Strike: "the biennium ending June 30, 1985"
Insert: "one year"

Amendment passed as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Galt, Haffey, Halligan, Hazelbaker, Jacobson, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Stimatz, Story, Thomas, Towe, Van Valkenburg, Mr. President.
Total 33

Noes: Boylan, Gage, Goodover, Hager, Hammond, Himsl, Keating, Ochsner, Severson, Shaw, Smith, Tveit.
Total 12

Excused: None.
Total 0

Absent or not voting: Aklestad, Dover, Graham, Kolstad, Turnage.
Total 5

That HB 405, as amended, be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Conover, Crippen, Daniels, Fuller, Galt, Haffey, Halligan, Kolstad, Lane, Lee, Lynch, D. Manning, Mazurek, McCallum, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 25

Noes: Aklestad, Boylan, Brown, Christiaens, Dover, Eck, Elliott, Etchart, Gage, Goodover, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, R. Manning, Marbut, Ochsner, Severson, Shaw, Smith, Story, Tveit.
Total 24

Excused: None.
Total 0

Absent or not voting: Graham.
Total 1

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Kolstad moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Himsl, Chairman):
Minority Report

Minority committee members are:

Senator Jacobson
Senator Thomas
Senator Van Valkenburg
Senator Stimatz
Senator Haffey
Senator Lane
Senator Boylan

HB 156, be concurred in. Thereupon, the minority committee report failed to be adopted as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 23

Noes: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee,

Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: Graham.
Total 1

Majority Report

Majority committee members are:

Senator Himsl
Senator Aklestad
Senator Dover
Senator Story
Senator Etchart
Senator Hammond
Senator Smith
Senator Ochsner
Senator Regan

HB 156, be not concurred in. Thereupon, the majority committee report was adopted as follows:

Ayes: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, Mazurek, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 28

Noes: Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mohar, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 21

Excused: None.
Total 0

Absent or not voting: Graham.
Total 1

ANNOUNCEMENT OF COMMITTEE MEETINGS

Conference committee on Senate amendments to HB 677 will meet at 9:00 a.m. on Saturday, April 16, 1983.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 10:19 p.m., until Friday, April 15, 1983, at the hour of 2:00 p.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTY-FIFTH LEGISLATIVE DAY

Helena, Montana
April 15, 1983

Senate Chambers
State Capitol

Senate convened at 2:00 p.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Tveit, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the eighty-fourth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

Delivered to the Governor for his approval at 9:45 a.m., 4/15/83: SB 107, SB 313, SB 335, SB 436.

Delivered to the Governor for his approval at 11:30 a.m., 4/15/83: SB 106, SB 141, SB 167, SB 190, SB 217, SB 232, SB 298, SB 443, SB 446.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 558, be concurred in. Report adopted.
HB 900, be concurred in. Report adopted.

JUDICIARY (Turnage, Chairman):
SB 465, do pass. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HB 668, be concurred in. Report adopted.
HB 899, be concurred in. Report adopted.
HJR 38, be concurred in. Report adopted.
HB 580, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Boylan, Brown, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Ochsner, Severson, Shaw, Stimatz, Thomas, Turnage, Mr. President.
Total 35

Noes: Berg, Blaylock, Christiaens, Eck, Fuller, Halligan, R. Manning, Mohar, Norman, Regan, Story, Towe, Van Valkenburg.
Total 13

Excused: Tveit.
Total 1

Absent or not voting: Smith.
Total 1

TAXATION (Goodover, Chairman):
HB 573, be not concurred in. Thereupon, the adverse committee report was adopted as follows:

Ayes: Aklestad, Berg, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Galt, Goodover, Graham, Haffey, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lynch, R. Manning, Marbut, McCallum, Ochsner, Shaw, Stimatz, Thomas, Turnage, Van Valkenburg, Mr. President.

Total 30

Noes: Blaylock, Brown, Etchart, Fuller, Gage, Hager, Halligan, Hammond, Lane, Lee, Mazurek, Mohar, Norman, Regan, Severson, Story, Towe.
Total 17

Excused: Tveit.
Total 1

Absent or not voting: D. Manning, Smith.
Total 2

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on HB 299
Report No. 1, April 15, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 299, met April 15, 1983, and considered the amendments of the following committees:

Senate Committee of the Whole (3/15/83)

We recommend that:

The Senate recede from Committee of the Whole amendment.

HB 299 be further amended as indicated in clerical instruction 2.

The reference copy of HB 299 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 299 be adopted.

Clerical Instructions:

1. Page 5, line 24.
Following: "2"
Strike: line 24 through "313," on line 25

2. Page 6, line 3.
Following: "care"
Insert: ", or juvenile and adult correctional facilities operating under the authority of the department of institutions"

For the Senate:

Senator Hager, Chairman
Senator Christiaens
Senator Himsl

For the House:

Representative J. Brown, Chairman
Representative Marks
Representative Metcalf

Conference Committee
on HB 750
Report No. 1, April 14, 1983

Mr. President and Speaker of the House:

We, your conference committee on HB 750, met April 14, 1983, and considered the amendments of the following committees:

Senate Committee on Taxation (3/23/83)

We recommend that:

The House accede to Standing Committee amendments 2 through 6.

The Senate recede from Standing Committee amendments 1 and 7.

The reference copy of HB 750 be amended to read as specified in the clerical instructions.

The conference committee report on HB 750 be adopted.

Clerical Instructions:

1. Senate Standing Committee amendments.
Strike: amendments 1 and 7

For the Senate:

Senator Goodover, Chairman
Senator Eck
Senator Elliott

For the House:

Representative Dozier, Chairman
Representative Vinger
Representative Williams

MESSAGES FROM THE GOVERNOR

April 14, 1983

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Daniel Kemmis
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Stephens and Representative Kemmis:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill No. 418 "AN ACT TRANSFERRING THE END-STATE RENAL DISEASE PROGRAM TO THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL SCIENCES; REPEALING ADMINISTRATIVE RULES OF THE DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES IMPLEMENTING THE CHRONIC OR END-STAGE RENAL DISEASE TREATMENT PROGRAM; CLARIFYING EXISTING RULEMAKING AUTHORITY FOR THOSE RULES; AND ADOPTING NEW RULES GOVERNING THE END-STAGE RENAL DISEASE PROGRAM UNTIL SUCH TIME AS RULES ARE ADOPTED BY THE DEPARTMENT; AMENDING SECTION 53-6-202, MCA; PROVIDING A TERMINATION DATE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE," without my signature and recommend the attached amendment for the following reasons.

As passed, Section 3 of Senate Bill No. 418 requires the Department of Health and Environmental Sciences to determine financial need according to the economic need test set forth in "subchapter 4" of the rules of the Department of Social and Rehabilitation Services. SRS, however, has more than one subchapter 4 in its rules.

The amendment I am proposing clarifies which "subchapter 4" the Department of Health and Environmental Sciences is to follow in determining financial need.

I urge your concurrence in this amendment.

Governor's Proposed Amendments
to SB 418

1. Page 4, lines 22 and 23.

Following: line 21
Strike: line 22 through "rules" on line 23
Insert: "ARM 46.6.405 through 46.6.411"

Sincerely,

Ted Schwinden
Governor

April 14, 1983

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Daniel Kemmis
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Stephens and Representative Kemmis:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill No. 426, "AN ACT TO REQUIRE STATE AND LOCAL GOVERNMENT AGENCIES TO COMPLY WITH CONDITIONS AND LIMITATIONS CONTAINED IN APPROPRIATION BILLS; AND PROVIDING AN EFFECTIVE DATE," without my signature and recommend the attached amendments for the following reasons.

As passed, Section 1 of Senate Bill No. 426 effectively authorizes an appropriation act to supersede any Montana law. The net effect of this bill is to create a "super-statute" that not only establishes appropriation levels but also amends substantive law. Article V, Section 11(4) of the Montana Constitution requires that a general appropriation bill contain only appropriations; the amendments I am proposing bring Senate Bill No. 426 into compliance with this constitutional provision.

By replacing the word "bill" with "act" throughout Senate Bill No. 426, it will be clear that a state or local agency must comply with a law, rather than a legislative proposal. Second, the language "Notwithstanding any other conflicting condition or limitation" (page 1, line 21 of the Reference Bill), implies that the appropriation act supersedes other conflicting statutory conditions or limitations. The amendment I am proposing removes this implication. The other amendments make it clear that the "conditions" and "limitations" referred to are those contained in an appropriation act.

Finally, the last amendment makes it clear that a condition or limitation contained in an appropriation act only governs the administration and expenditure of the appropriation and in no way can be construed to amend any other statute.

I urge your concurrence in these amendments.

Governor's Proposed Amendments
to SB 426

1. Title, line 6.
Following: "APPROPRIATION"
Strike: "BILLS"
Insert: "ACTS"

2. Page 1, line 21.

Following: "appropriation"
Strike: "bills"
Insert: "acts"

3. Page 1, line 21.
Following: "bills."
Strike: "Notwithstanding any other conflicting"
Insert: "A"

4. Page 1, line 22.
Following: "limitation,"
Insert: "contained in"

5. Page 1, line 23.
Following: "appropriation"
Strike: "bill enacted by the legislature"
Insert: "act"

6. Page 2, line 1.
Following: "the"
Strike: "bill"
Insert: "act"

7. Page 2, line 2.
Following: "subsequent"
Strike: "legislative enactment"
Insert: "appropriation act"

8. Page 2, line 3.
Following: line 2
Insert: "In no event does a condition or limitation contained in an appropriation act amend any other statute."

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Senate bills concurred in and returned to the Senate: 4/14/83

SB 247, introduced by B. Brown, Blaylock, et al.

SJR 25, introduced by Marbut

Governor's amendments to Senate bill concurred in and returned to the Senate: 4/14/83

SB 342, introduced by Ellison

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 4/14/83

SB 312, introduced by Himsl, Blaylock, et al.

Senate amendments to House bill concurred in: 4/14/83

HB 435, introduced by Bardanouve

HB 637, introduced by Manuel

HB 716, introduced by Metcalf

HB 780, introduced by Harp, Bardanouve

Governor's amendments to House bill not concurred in and returned to the Senate: 4/14/83

HB 83, introduced by Hemstad, et al.

Conference committee reports adopted: 4/14/83

Conference committee report on HB 53

Conference committee report on HB 150

Conference committee report on HB 733

Free conference committee reports adopted: 4/14/83

Free conference committee report on HB 232

Free conference committee report on HB 319

Free conference committee report on HB 373

Free conference committee report on HB 376

Free conference committee report on HB 428

Free conference committee report on HB 873

The House, on 4/14/83, failed to concur in Senate amendments to HB 335 and appointed a free conference committee, requesting that the Senate appoint a like committee to confer on HB 335.

The Speaker appointed the following members:

Representative Nilson, Chairman
Representative Mueller
Representative Ream

The House, on 4/14/83, dissolved the conference committee on HB 100 and appointed a free conference committee to meet with a like committee from the Senate to confer on HB 100.

The Speaker appointed the following members:

Representative Kemmis, Chairman
Representative Fabrega
Representative Vincent

The House, on 4/15/83, dissolved the conference committee on SB 170 and appointed a free conference committee to meet with a like committee from the Senate to confer on SB 170.

The Speaker appointed the following members:

Representative Addy, Chairman
Representative Darko
Representative Ramirez

The House, on 4/15/83, dissolved the conference committee on SB 235 and appointed a free conference committee to meet with a like committee from the Senate to confer on SB 235.

The Speaker appointed the following members:

Representative Waldron, Chairman
Representative Donaldson
Representative Roush

MOTIONS

Senator Turnage moved that the rules be temporarily suspended in order to permit SB 465 to advance to second and third reading. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: Story.
Total 1

Senator Hazelbaker moved that the President be authorized to dissolve the conference committee on House amendments to SB 235 and that he be authorized to appoint a free conference committee. Motion carried.

The President appointed the following members:

Senator Smith, Chairman
Senator McCallum
Senator Haffey

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 742. Motion carried.

Senator Hazelbaker moved that the President be authorized to appoint a free conference committee to confer on HB 335. Motion carried.

The President appointed the following members:

Senator Smith, Chairman
Senator Lee
Senator Jacobson

Senator Etchart moved that the Senate reconsider its action in adopting the adverse committee report on HB 573. Motion failed as follows:

Ayes: Blaylock, Brown, Daniels, Dover, Etchart, Fuller, Gage, Haffey, Hager, Halligan, Hammond, Himsl, Lane, Lee, D. Manning, Mazurek, Norman, Regan, Severson, Smith, Story, Towe, Van Valkenburg.
Total 23

Noes: Aklestad, Berg, Boylan, Christiaens, Conover, Crippen, Eck, Elliott, Galt, Goodover, Graham, Hazelbaker, Jacobson, Keating, Kolstad, Lynch, R. Manning, Marbut, McCallum, Mohar, Ochsner, Shaw, Stimatz, Thomas, Turnage, Mr. President.
Total 26

Excused: Tveit.
Total 1

Absent or not voting: None.

Total 0

Senator Himsl moved that the rules be temporarily suspended so that the Senate can receive from the House SB 312 for the purpose of making a correction. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: Brown.
Total 1

Senator Kolstad moved that HB 745 be taken from third reading and that it be referred to second reading. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Crippen, Eck, Elliott, Fuller, Gage, Galt, Goodover, Haffey, Halligan, Hazelbaker, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Shaw, Story, Turnage, Van Valkenburg, Mr. President.
Total 30

Noes: Brown, Conover, Daniels, Dover, Etchart, Hager, Hammond, Himsl, Jacobson, Keating, Marbut, Ochsner, Severson, Smith, Stimatz, Thomas, Towe.
Total 17

Excused: Tveit.
Total 1

Absent or not voting: Graham, McCallum.
Total 2

Senate recessed for the purpose of a Republican caucus at 3:07 p.m.

Senate resumed at 3:50 p.m.

FIRST READING OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HB 171, introduced by Williams, Yardley. Referred to Committee on Local Government.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Christiaens moved that the Senate reconsider its action in adopting the adverse committee report on HB 580 and that it be printed and placed on second reading. Motion failed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Story, Towe, Van Valkenburg.
Total 23

Noes: Aklestad, Boylan, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Thomas, Turnage, Tveit, Mr. President.
Total 27

Paired: Blaylock, Aye; Tveit, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Elliott moved that HB 902 be taken from third reading and that it be referred to second reading. Motion carried as follows:

Ayes: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 26

Noes: Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 24

Paired: Tveit, Aye; Blaylock, No.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Lynch in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 902 - That HB 902, third reading copy, be amended as follows:

1. Page 15, line 6.
Strike: lines 6 and 7
Insert: "Board of Regents $3,000,000 for the biennium ending June 30, 1985, to implement the provisions of this act for the university system units and the community colleges and to the governor's office $3,500,000 for the biennium ending June 30, 1985, to implement the provisions of this act for remaining state agencies."

That HB 902, without objection, be moved to the bottom of the board.

SB 465 - That SB 465, without objection, be moved below HB 428.

HB 745 - That HB 745, third reading copy, be amended as follows:

1. Title, line 7.
Following: "DISTRICTS"
Insert: "AND LIBERTY COUNTY"

2. Page 1, line 20.
Following: "Districts"
Insert: "and Liberty County"

3. Page 1, line 22.
Following: "Dam."
Insert: "Any funds available under this section shall be distributed between the Milk River Irrigation Districts, and Liberty County on an equal basis."

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Christiaens, Crippen, Eck, Elliott, Gage, Galt, Goodover, Halligan, Hazelbaker, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Shaw, Story, Turnage, Van Valkenburg, Mr. President.
Total 28

Noes: Boylan, Brown, Conover, Daniels, Dover, Etchart, Fuller, Graham, Haffey, Hager, Hammond, Himsl, Keating, Marbut, McCallum, Ochsner, Severson, Smith, Stimatz, Thomas, Towe.
Total 21

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

That HB 745, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Brown, Christiaens, Conover, Crippen, Dover, Elliott, Etchart, Gage, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Norman, Ochsner, Severson, Smith, Stimatz, Story, Thomas, Turnage, Van Valkenburg, Mr. President.
Total 35

Noes: Berg, Blaylock, Daniels, Eck, Fuller, Galt, Halligan, Mohar, Shaw, Towe.
Total 10

Excused: Tveit.
Total 1

Absent or not voting: Boylan, Keating, Marbut, Regan.
Total 4

HB 373 - That the free conference committee report on HB 373 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R.

Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 743 - That the conference committee report on HB 743 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 750 - That the conference committee report on HB 750 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 319 - That the free conference committee report on HB 319 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan,

Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 377 - That the free conference committee report on HB 377 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 428 - That the free conference committee report on HB 428 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

SB 465 - That SB 465, introduced bill, be amended as follows:

1. Page 1.
Following: line 16
Insert: "WHEREAS, the obligations imposed upon governmental entities must be performed, even though the risks inherent in performing absolute obligations are great; and

WHEREAS, the responsibility for confining, housing, and rehabilitation of persons convicted of criminal activity; the treatment and

supervision of mental patients at government institutions or under government programs; the planning, construction, and maintenance of thousands of miles of highways; the operation of municipal transportation systems and airport terminals; and the operation and maintenance of schools, playgrounds, and athletic facilities are only a few of those obligations; and

WHEREAS, prior to the adoption in 1977 of the limitations on damages declared unconstitutional, liability insurance had become increasingly expensive and unavailable to units of local government; and

WHEREAS, the amount of damages against the state requested in administrative claims, prayed for in some legal actions and estimated to be payable in other legal actions, far exceed existing loss reserves and anticipated revenues of the state's self-insurance reserve fund; and

WHEREAS, an investigation of the limitations on damages imposed by other states in legal actions against those states and comparison of these limitations show the limitations imposed by this act to be highly reasonable; and"

2. Page 2, line 11.
Following: "findings."
Insert: "(1) The legislature recognizes and reaffirms the report of the subcommittee on judiciary, contained in the interim study on limitations on the waiver of sovereign immunity (December 1976), that unlimited liability of the state and local governments for civil damages makes it increasingly difficult if not impossible for governments to purchase adequate insurance coverage at reasonable costs.

(2) The legislature finds that the obligations imposed upon governmental entities must be performed, even though the risks inherent in performing absolute obligations are great. The responsibility for confining, housing, and rehabilitation of persons convicted of criminal activity; the treatment and supervision of mental patients at government institutions or under government programs; the planning, construction, and maintenance of thousands of miles of highways; the operation of municipal transportation systems and airport terminals; and the operation and maintenance of schools, playgrounds, and athletic facilities are only a few of those obligations.

(3)"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.

Total 1

Absent or not voting: None.
Total 0

That SB 465, as amended, do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 663 - That the free conference committee report on HB 663 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 802 - That the free conference committee report on HB 802 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 825 - That the free conference committee report on HB 825 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 873 - That the free conference committee report on HB 873 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

SJR 26 - That SJR 26 do pass. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

SB 48 - That the conference committee report on SB 48 be adopted.

Substitute motion that the conference committee report on SB 48 be rejected. Motion carried as follows:

Ayes: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Turnage, Mr. President.
Total 24

Noes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Story, Thomas, Towe, Van Valkenburg.
Total 23

Excused: Tveit.
Total 1

Absent or not voting: Boylan, Stimatz.
Total 2

HB 53 - That the conference committee report on HB 53 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 150 - That the conference committee report on HB 150 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

SB 456 - That the free conference committee report on SB 456 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 232 - That the free conference committee report on HB 232 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Lynch moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Etchart moved that the rules be temporarily suspended in order to place HB 745 on third reading this day. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: Shaw.
Total 1

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 447 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 45

Noes: Aklestad, Keating, Lee, Shaw.
Total 4

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

HB 544 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Tveit.
Total 1

Absent or not voting: None.
Total 0

Senator Story excused at 5:13 p.m.

HB 739 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 40

Noes: Dover, Galt, Keating, Kolstad, Lee, McCallum, Ochsner.
Total 7

Excused: Story, Tveit.
Total 2

Absent or not voting: Hager.
Total 1

HB 841 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg.
Total 39

Noes: Aklestad, Elliott, Galt, Hager, Hammond, Keating, Ochsner, Shaw, Mr. President.
Total 9

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 847 concurred in as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 38

Noes: Aklestad, Boylan, Brown, Gage, Galt, Goodover, Hammond, Lee, Ochsner, Smith.
Total 10

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 890 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 922 concurred in as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Norman, Regan, Severson, Shaw, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 39

Noes: Aklestad, Boylan, Dover, Hammond, Lee, McCallum, Mohar, Ochsner, Smith.
Total 9

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 924 concurred in as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Severson, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 37

Noes: Aklestad, Boylan, Dover, Hammond, Kolstad, Lee, McCallum, Ochsner, Shaw, Smith.
Total 10

Excused: Story, Tveit.
Total 2

Absent or not voting: Elliott.
Total 1

Senate stood at ease at 5:17 p.m.

Senate resumed at 5:24 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 4.

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

April 15, 1983

Dear Mr. President:

This is to inform you that I have signed the following measure this date:

Senate bill 378.

Sincerely,

Ted Schwinden
Governor

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 112 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 114 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: Elliott.
Total 1

HB 153 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: Elliott, D. Manning.
Total 2

HB 187 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: Elliott.
Total 1

HB 285 concurred in as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 40

Noes: Aklestad, Boylan, Daniels, Dover, Hammond, Lee, Ochsner.
Total 7

Excused: Story, Tveit.
Total 2

Absent or not voting: Elliott.
Total 1

HB 317 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Severson, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 44

Noes: McCallum, Ochsner, Shaw.
Total 3

Excused: Story, Tveit.
Total 2

Absent or not voting: Elliott.
Total 1

HB 407 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg.

Total 42

Noes: Aklestad, Elliott, Hager, Himsl, Keating, Shaw, Mr. President.
Total 7

Paired: Tveit, Aye; Keating, No.

Excused: Story.
Total 1

Absent or not voting: None.
Total 0

HB 418 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 43

Noes: Aklestad, Elliott, Hammond, Keating, Shaw, Tveit.
Total 6

Paired: Blaylock, Aye; Tveit, No.

Excused: Story.
Total 1

Absent or not voting: None.
Total 0

HB 510 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 45

Noes: Aklestad, Dover, Hammond.
Total 3

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 526 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 46

Noes: Boylan, Ochsner.
Total 2

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 600 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Elliott, Keating.
Total 2

Paired: Tveit, Aye; Keating, No.

Excused: Story.
Total 1

Absent or not voting: None.
Total 0

HB 692 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 785 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 815 concurred in as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Galt, Graham, Haffey, Hager, Halligan, Hammond, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Severson, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 37

Noes: Blaylock, Eck, Gage, Goodover, Hazelbaker, Himsl, Keating, McCallum, Ochsner, Regan, Shaw.
Total 11

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 819 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 820 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 885 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 897 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 898 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 901 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning,

Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 46

Noes: Boylan, Shaw.
Total 2

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 908 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 919 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 923 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 334 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 47

Noes: Shaw.
Total 1

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 400 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Severson, Stimatz, Thomas, Towe, Turnage, Van Valkenburg.
Total 35

Noes: Aklestad, Dover, Etchart, Galt, Hammond, Himsl, Keating, McCallum, Ochsner, Shaw, Smith, Tveit, Mr. President.
Total 13

Paired: Blaylock, Aye; Tveit, No.

Excused: Story.
Total 1

Absent or not voting: Elliott.
Total 1

HB 446 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Thomas, Turnage, Van Valkenburg, Mr. President.
Total 42

Noes: Aklestad, Hammond, Himsl, Smith, Stimatz, Towe.
Total 6

Excused: Story, Tveit.

Total 2

Absent or not voting: None.
Total 0

HB 597 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 46

Noes: Shaw.
Total 1

Excused: Story, Tveit.
Total 2

Absent or not voting: Elliott.
Total 1

HB 745 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Severson, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 43

Noes: Eck, Galt, Regan, Shaw.
Total 4

Excused: Story, Tveit.
Total 2

Absent or not voting: Mohar.
Total 1

HB 755 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 40

Noes: Aklestad, Dover, Galt, Hammond, Keating, McCallum, Shaw, Turnage.
Total 8

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 800 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 876 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 405 concurred in as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Fuller, Galt, Graham, Haffey, Halligan, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Severson, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 29

Noes: Aklestad, Boylan, Brown, Eck, Etchart, Gage, Goodover, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Marbut, McCallum, Ochsner, Shaw, Smith, Turnage, Tveit.
Total 20

Paired: Blaylock, Aye; Tveit, No.

Excused: Story.
Total 1

Absent or not voting: None.
Total 0

HB 1 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker,

Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 914 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

SB 465 passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 44

Noes: Daniels, Haffey, Regan.
Total 3

Excused: Story, Tveit.
Total 2

Absent or not voting: Graham.
Total 1

Senate recessed at 5:57 p.m.

Senate resumed at 6:21 p.m.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Conference committee on Senate amendments to HB 118 will meet at 9:00 a.m. on Saturday, April 16, 1983, in Room 405.

Conference committee on Senate amendments to HB 677 will meet at 9:00 a.m. on Saturday, April 16, in Judiciary Room.

Conference committee on Senate amendments to HB 540 will meet at 9:30 a.m. on Saturday, April 16, 1983.

Conference committee on Senate amendments to HB 335 will meet at 8:00 a.m. on Saturday, April 16, 1983.

Conference committee on House amendments to SB 439 will meet at 9:00 a.m. on Saturday, April 16 in Room 440.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 6:26 p.m., until Saturday, April 16, 1983, at the hour of 10:00 a.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTY-SIXTH LEGISLATIVE DAY

Helena, Montana
April 16, 1983

Senate Chambers
State Capitol

Senate convened at 10:00 a.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Story, Tveit, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the eighty-fifth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Signed by the President at 6:00 p.m., 4/15/83: HB 511, HB 629, HB 682, HJR 35, HJR 36.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on SB 186
Report No. 1, April 15, 1983

Mr. President and Speaker of the House:

We, your free conference committee on SB 186, met April 15, 1983, and considered the amendments of the following committees:

House Committee on Taxation (3/22/83)

House Committee of the Whole (3/24/83)

We recommend that:

The Senate accede to Standing Committee amendment 1.

The Senate accede to Committee of the Whole amendments 1 through 4.

The House recede from Standing Committee amendment 2.

SB 186 be further amended as indicated in the clerical instructions.

The reference copy of SB 186 be amended to read as specified in the clerical instructions.

The free conference committee report on SB 186 be adopted.

Clerical Instructions:

1. Title, line 8.
Following: "TO"
Insert: "GOVERNING BODIES OF"
Following: "RECOGNIZED"
Insert: "INDIAN"
Following: "TRIBES"
Strike: "AND UNITS OF TRIBAL GOVERNMENT"

2. Page 2, line 2.
Following: "units"

Strike: "and"
Insert: ","
Following: "agencies"
Insert: ", and governing bodies of federally recognized Indian tribes"

3. Page 2, line 3.
Following: "units"
Insert: "and federally recognized Indian tribes"

4. Page 4, line 1.
Following: "county,"
Strike: "or"
Following: "district"
Insert: ","

5. Page 4, line 2.
Following: line 1
Strike: "or"
Following: "agency"
Insert: ", or the governing body of a federally recognized Indian tribe"

6. Page 4, lines 5 through 7.
Following: "development." on line 5
Strike: remainder of line 5 through "THEREOF." on line 7

7. Page 5, line 5.
Following: "unit"
Insert: "or the governing body of a federally recognized Indian tribe"

8. Page 5, line 8.
Following: "unit"
Insert: "or the governing body of a federally recognized Indian tribe"

9. Page 5, line 11.
Following: line 10
Insert: "NEW SECTION. Section 6. Limitation on loans and grants to Indian tribes. No loan or grant to an Indian tribe under 90-6-205 may be approved by the board unless, with respect to that loan or grant:

(1) the governing body of the tribe has agreed:

(a) to waive its immunity from suit on any issue specifically arising from the transaction of a loan or grant obtained under this part; and

(b) to the adjudication of any dispute arising out of the loan or grant transaction in the district court of the first judicial district of the state of Montana; and

(2) approval of the transaction has been obtained from the secretary of the United States department of the interior whenever such approval is necessary."
Renumber: subsequent section

10. Page 5, line 12.
Following: line 11
Strike: "Section"
Insert: "Sections"
Following: "5"
Strike: "is"
Insert: "and 6 are"

11. Page 5, line 14.
Following: "to"
Strike: "section"
Insert: "sections"
Following: "5"
Insert: "and 6"

For the Senate:

Senator Keating, Chairman
Senator McCallum
Senator Graham

For the House:

Representative Bardanouve, Chairman
Representative Howe
Representative Asay

Conference Committee
on HB 225
Report No. 1, April 15, 1983

Mr. President and Speaker of the House:

We, your conference committee on HB 225, met April 15, 1983, and considered the amendments of the following committees:

Senate Committee on Labor and Employment Relations (3/3/83)

We recommend that:

The Senate recede from Standing Committee amendment.

HB 225 be further amended as indicated in clerical instruction 1 and 2.

The reference copy of HB 225 be amended to read as specified in the clerical instructions.

The conference committee report on HB 225 be adopted.

Clerical Instructions:

1. Page 1, line 12.
Following: "~~(1)~~"
Insert: "(1)"

2. Page 2.
Following: line 10
Insert: "(2) A person is not eligible to be a state coal mine inspector unless he is a citizen of the United States, a resident of this state, and has been actually employed in coal mining 5 years before his appointment.

(3) A state coal mine inspector may not act as agent for a corporation, superintendent, or manager of a mine and shall in no manner be in the employ of mining companies, nor shall he be interested in any way in coal mining operations, either as owner, lessee, or otherwise."

For the Senate:

Senator Aklestad, Chairman
Senator Keating
Senator Lynch

For the House:

Representative Dozier, Chairman
Representative Asay
Representative McCormick

Conference Committee
on HB 281
Report No. 1, April 14, 1983

Mr. President and Speaker of the House:

We, your conference committee on HB 281, met April 14, 1983, and considered the amendments of the following committees:

Senate Committee on Labor and Employment Relations (3/24/83)

We recommend that:

The House accede to amendments 1 through 6 and 8 through 10.

The Senate recede from amendments 7 and 11.

HB 281 be further amended as indicated in clerical instruction 1 and 2.

The reference copy of HB 281 be amended to read as specified in the clerical instructions.

The conference committee report on HB 281 be adopted.

Clerical Instructions:

1. Page 7, line 9.
Strike: "COLLECTIVE" through "NEGOTIATED" on line 10
Insert: "bargaining unit is recognized"

2. Page 9, line 25.
Strike: "COLLECTIVE" through "NEGOTIATED"
Insert: "bargaining unit is recognized"

For the Senate:

Senator Aklestad, Chairman
Senator Fuller
Senator Keating

For the House:

Representative Dozier, Chairman
Representative Keenan
Representative Smith

MESSAGES FROM THE GOVERNOR

April 15, 1983

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Daniel Kemmis
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Stephens and Representative Kemmis:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 228 "AN ACT PROMOTING CONSISTENCY AND CONTINUITY IN THE ADOPTION AND APPLICATION OF ENVIRONMENTAL RULES AFTER AN APPLICATION FOR AN ENVIRONMENTAL PERMIT HAS BEEN COMPLETED; AMENDING SECTION 90-1-101, MCA", without my signature and recommend the attached amendments for the following reasons.

Section 90-1-101, MCA, declares a general policy of the state to promote economic development. House Bill No. 228 amends that statute by adding a policy that persons who have completed an application for an environmental permit and made financial commitments are entitled to a reasonable expectation that the requirements for obtaining the permit will not be changed. These policies guide state agencies in administering the programs established by the Legislature.

However, the last sentence in section 1(2) of the bill could be read to establish a test for amending rules after a permit application. Such a test would be inappropriate for a general policy section, which cannot amend express statutory requirements.

The amendment I am proposing would clarify that this policy statute does not amend express requirements of permitting statutes.

I urge your concurrence in this amendment.

Governor's Proposed Amendments
to HB 228

1. Page 2, line 21 through page 3, line 2.
Following: "THEREFORE," on line 21 on page 2
Strike: line 21 on page 2 through line 2 on page 3
Insert: "when a person makes a financial commitment after having completed an application for an environmental permit, it is the policy of the state not to change the requirements for such permit to the detriment of the applicant or permittee without having first taken into account and given consideration to previous expenditures made by the applicant or permittee."

Sincerely,

Ted Schwinden
Governor

April 15, 1983

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Daniel Kemmis
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Stephens and Representative Kemmis:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 721, "AN ACT TO CREATE A MONTANA HEALTH FACILITY AUTHORITY WITH POWER TO LEND MONEY TO HEALTH INSTITUTIONS TO CONSTRUCT OR RENOVATE HEALTH FACILITIES; AND EMPOWERING THE AUTHORITY TO ISSUE BONDS TO FINANCE ITS PROJECTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE," without my signature and recommend the attached amendments for the following reasons.

As passed, Section 16(1)(B) of House Bill No. 721, prevents the financing of any health facility unless the facility has been reviewed and approved by the "appropriate regional and state health planning boards". The quoted language, however, is too narrow since the Certificate of Need law (Title 50, Chapter 5, Part 3, MCA) requires approval of a department as well - specifically, the Department of Health and Environmental Sciences.

The amendment I am proposing clarifies that health planning approval must be obtained from the Department if required by the Certificate of Need law, before the health facility may qualify for financing.

I urge your concurrence in these amendments.

Governor's Proposed Amendments
to HB 721

1. Page 19, line 6.
Following: "boards"
Insert: "and has received any approval required by Title 50, chapter 5, part 3"

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 4/15/83

HJR 40, introduced by Stobie

HJR 41, introduced by Williams

Senate bill concurred in and returned to the Senate: 4/15/83

SJR 14, introduced by Norman

Senate bills concurred in as amended and returned to the Senate for concurrence in House amendments: 4/15/83

SB 414, introduced by Elliott, et al.

SJR 23, introduced by Goodover

The House, on 4/15/83, dissolved the conference committee on HB 606 and appointed a free conference committee to meet with a like committee from the Senate to confer on HB 606.

The Speaker appointed the following members:

Representative Koehnke, Chairman
Representative Hammond
Representative R. Jensen

Senate amendments to House bills concurred in: 4/15/83

HB 16, introduced by Harp, et al.

HB 58, introduced by Ryan

HB 429, introduced by Hannah, Addy

HB 870, introduced by Fabrega, et al.

Conference committee reports adopted: 4/15/83

Conference committee report on SB 48

Conference committee report on SB 428

Conference committee report on HB 750

Conference committee report on HB 846

Conference committee report on HJR 5

Conference committee report on HJR 19

Free conference committee reports adopted: 4/15/83

Free conference committee report on SB 456

Free conference committee report on HB 191

Free conference committee report on HB 545

Free conference committee report on HB 798

Free conference committee report on HB 880

MOTIONS

Senator Hazelbaker moved that HB 902 be moved to the top of the board on second reading this day. Motion carried unanimously.

Senator Hazelbaker moved that consideration on the conference committee report on HB 606 on second reading be passed, that the conference committee be dissolved, and that the President be authorized to appoint a free conference committee to confer on HB 606. Motion carried.

The President appointed the following members:

Senator Lee, Chairman
Senator Etchart
Senator Blaylock

Senator Mazurek moved that HB 23 be taken from the Committee on Finance and Claims and that it be printed and placed on second reading. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Hazelbaker, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 26

Noes: Aklestad, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 24

Paired: Blaylock, Regan, Ayes; Story, Tveit, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the President be authorized to dissolve the conference committee on HB 118 and that he be authorized to appoint a free conference committee. Motion carried.

The President appointed the following members:

Senator McCallum, Chairman
Senator Hammond
Senator Boylan

The President appointed the following conference committee to confer on Senate amendments to HB 742.

Senator McCallum, Chairman
Senator Hager
Senator Lynch

The President appointed the following free conference committee to confer on HB 749.

Senator Aklestad, Chairman
Senator Galt
Senator Lynch

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HJR 40, introduced by Stobie, McCallum, C. Smith, Jones, Ream, Underdal, Manuel, Ryan, Hemstad, Solberg, J. Hammond. Referred to Committee on Natural Resources.

HJR 41, introduced by Williams, Harper, Pavlovich, Mazurek, Eck, Farris, J. Brown. Referred to Committee on Labor and Employment Relations.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Lee in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 902 - That HB 902 be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 38

Noes: Aklestad, Elliott, Gage, Galt, Goodover, Hammond, Ochsner, Severson, Shaw, Smith.
Total 10

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 376 - That the free conference committee report on HB 376 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.

Total 2

Absent or not voting: None.
Total 0

HJR 31 - That HJR 31 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

SB 428 - That the conference committee report on SB 428 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 733 - That the conference committee report on HB 733 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 191 - That the free conference committee report on HB 191 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 545 - That the free conference committee report on HB 545 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 798 - That the free conference committee report on HB 798 be adopted. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Halligan, Hazelbaker, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Severson, Stimatz, Thomas, Towe, Turnage.
Total 34

Noes: Aklestad, Crippen, Dover, Galt, Hager, Hammond, Keating, McCallum, Ochsner, Shaw, Van Valkenburg, Mr. President.
Total 12

Excused: Story, Tveit.
Total 2

Absent or not voting: Himsl, Smith.
Total 2

HB 880 - That the free conference committee report on HB 880 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Lee moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Hazelbaker moved that the rules be temporarily suspended in order to permit consideration of HB 902 on third reading this legislative day. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 47

Noes: Shaw.
Total 1

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 902 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Etchart, Fuller, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D.

Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 37

Noes: Aklestad, Dover, Elliott, Gage, Galt, Goodover, Hammond, Ochsner, Severson, Shaw, Smith, Story, Tveit.
Total 13

Paired: Blaylock, Regan, Ayes; Story, Tveit, Noes.

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 373, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 743, conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: Blaylock.
Total 1

HB 750, conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan,

Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 319, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 377, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 428, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: Etchart.
Total 1

HB 663, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 802, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 47

Noes: Boylan.
Total 1

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 825, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.

Total 2

Absent or not voting: None.
Total 0

HB 873, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

SJR 26 passed as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 45

Noes: Blaylock, Hammond.
Total 2

Excused: Story, Tveit.
Total 2

Absent or not voting: Severson.
Total 1

HB 53, conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 47

Noes: Boylan.
Total 1

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 150, conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 46

Noes: Dover, McCallum.
Total 2

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

SB 456, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

HB 232, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: Story, Tveit.
Total 2

Absent or not voting: None.
Total 0

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 11:00 a.m., until Monday, April 18, 1983, at the hour of 9:00 a.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTY-SEVENTH LEGISLATIVE DAY

Helena, Montana
April 18, 1983

Senate Chambers
State Capitol

Senate convened at 9:00 a.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present except Hager, excused. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the eighty-sixth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully report as follows:

That the following attaches of the Senate be employed as of 8:00 a.m. on Monday, April 18, 1983:

Scott R. Beck ..... Page
Peter Davison ..... Page
Colleen C. Graves ..... Page
Tim Nielson ..... Page
Keith Schott ..... Page
Becky J. Williams ..... Page

With "K.J." Johns being employed as a page also as of the above date rather than Monday, April 11, 1983 as previously reported.

And that the following attaches of the Senate be terminated as of 5:00 p.m. on Saturday, April 16, 1983:

Michael J. Gasvoda ..... Page
Kristin A. Heimburg ..... Page
Susie J. Mathre ..... Page
Lisa Lewis ..... Page
D'Ann Tintinger ..... Page
Tony Olson ..... Page

And that the following attaches of the Senate be terminated as of 5:00 p.m. on Friday, April 15, 1983:

Maurice Ullom ..... Asst. Sgt.-at-Arms
Robert White ..... Asst. Sgt.-at-Arms

Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on HB 581
Report No. 1, April 18, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 581, met April 18, 1983, and considered the amendments of the following committees:

Senate Committee on Taxation (3/9/83)

We recommend that:

The House accede to Standing Committee amendments.

HB 581 be further amended as indicated in clerical instructions 1 through 3.

The reference copy of HB 581 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 581 be adopted.

Clerical Instructions:

1. Title, line 7.
Following: "FUND"
Insert: ", TRANSPORTATION, AND RETIREMENT"
Following: "LEVY"
Insert: "AND CLAIMS FOR SCHOOL EQUALIZATION AID"
Following: "AMENDING"
Strike: "SECTION"
Insert: "SECTIONS"

2. Title, line 8.
Following: "20-9-141,"
Insert: "20-9-331, 20-9-333, 20-9-352, 20-9-501, and 20-10-144,"

3. Page 3, line 9.
Following: line 8
Insert: "Section 2. Section 20-9-331, MCA, is amended to read:

"20-9-331. Basic county tax and other revenues for county equalization of the elementary district foundation program. (1) It shall be the duty of the county commissioners of each county to levy an annual basic tax of 25 mills on the dollars of the taxable value of all taxable property within the county for the purposes of local and state foundation program support. The revenue to be collected from this levy shall be apportioned to the support of the foundation programs of the elementary school districts in the county and to the earmarked revenue fund, state equalization aid account, in the following manner:

(a) In order to determine the amount of revenue raised by this levy which is retained by the county, the sum of the estimated revenues identified in subsections (2)(a) through (2)(f) below shall be subtracted from the sum of the county elementary transportation obligation and the total of the foundation programs of all elementary districts of the county.

(b) If the basic levy of 25 mills produces more revenue than is required to finance the difference determined above, the county commissioners shall order the county treasurer to remit the surplus funds to the state treasurer for deposit to the earmarked revenue fund, state equalization aid account, not later than June 1 of the fiscal year for which the levy has been set.

(2) The proceeds realized from the county's portion of the levy prescribed by this section and the revenues from the following sources shall be used for the equalization of the elementary district foundation programs of the county as prescribed in 20-9-334, and a separate accounting shall be kept of such proceeds and revenues by the county treasurer in accordance with 20-9-212(1):

(a) the portion of the federal forest reserve funds distributed to a county and designated for the common school fund under the provisions of 17-3-213;

(b) the portion of the federal Taylor Grazing Act funds distributed to a county and designated for the common school fund under the provisions of 17-3-222;

(c) the portion of the federal flood control act funds distributed to a county and designated for expenditure for the benefit of the county common schools under the provisions of 17-3-232;

(d) all moneys which are paid into the county treasury as a result of fines for violations of law and the use of which is not otherwise specified by law;

(e) any money remaining at the end of the immediately preceding school fiscal year in the county treasurer's account for the various sources of revenue established or referred to in this section; and

(f) any federal or state moneys, including anticipated motor vehicle fees and reimbursement under the provisions of 61-3-352 and 61-3-536, distributed to the county as payment in lieu of the property taxation established by the county levy required by this section."

Section 3. Section 20-9-333, MCA, is amended to read:

"20-9-333. Basic special levy and other revenues for county equalization of high school district foundation program. (1) It shall be the duty of the county commissioners of each county to levy an annual basic special tax for high schools of 15 mills on the dollar of the taxable value of all taxable property within the county for the purposes of local and state foundation program support. The revenue to be collected from this levy shall be apportioned to the support of the foundation programs of high school districts in the county and to the earmarked revenue fund, state equalization aid account, in the following manner:

(a) In order to determine the amount of revenue raised by this levy which is retained by the county, the estimated revenues identified in subsections (2)(a) and (2)(b) below shall be subtracted from the sum of the county's high school tuition obligation and the total of the foundation programs of all high school districts of the county.

(b) If the basic levy for 15 mills produces more revenue than is required to finance the difference determined above, the county commissioners shall order the county treasurer to remit the surplus to the state treasurer for deposit to the earmarked revenue fund, state equalization aid account, not later than June 1 of the fiscal year for which the levy has been set.

(2) The proceeds realized from the county's portion of the levy prescribed in this section and the revenues from the following sources shall be used for the equalization of the high school district foundation programs of the county as prescribed in 20-9-334, and a separate accounting shall be kept of these proceeds by the county treasurer in accordance with 20-9-212(1):

(a) any money remaining at the end of the immediately preceding school fiscal year in the county treasurer's account for deposit of the proceeds from the levy established in this section; and

(b) any federal or state moneys, including anticipated motor vehicle fees and reimbursement under the provisions of 61-3-352 and 61-3-536, distributed to the county as a payment in lieu of the property taxation established by the county levy required by this section."

Section 4. Section 20-9-352, MCA, is amended to read:

"20-9-352. Permissive amount and permissive levy. (1) Whenever the trustees of any district shall deem it necessary to adopt a general fund budget in excess of the foundation program amount but not in excess of the maximum general fund budget amount for such district as established by the schedules in 20-9-316 through 20-9-321, the trustees shall adopt a resolution stating the reasons and purposes for exceeding the foundation program amount. Such excess above the foundation program amount shall be known as the "permissive amount", and it shall be financed by a levy on the taxable value of all taxable property within the district as prescribed in 20-9-141, supplemented with any biennial appropriation by the legislature for this purpose.

(2) The district levies to be set for the purpose of funding the permissive amount are determined as follows:

(a) For each elementary school district, the county commissioners shall annually set a levy not exceeding 9 mills on all the taxable property in the district for the purpose of funding the permissive amount of the district. The permissive levy in mills shall be obtained by multiplying the ratio of the permissive amount to the maximum permissive amount by 9 or by using the number of mills which would fund the permissive amount, whichever is less. If the amount of revenue raised by this levy, plus anticipated motor vehicle fees and reimbursement under the provisions of 61-3-352 and 61-3-536, is not sufficient to fund the permissive amount in full, the amount of the deficiency shall be paid to the district from the earmarked revenue fund according to the provisions of 20-9-351 and subsection (3) of this section.

(b) For each high school district, the county commissioners shall annually set a levy not exceeding 6 mills on all taxable property in the district for the purpose of funding the permissive amount of the district. The permissive levy in mills shall be obtained by multiplying the ratio of the permissive levy to the maximum permissive amount by 6 or by using the number of mills which would fund the permissive amount, whichever is less. If the amount of revenue raised by this levy, plus anticipated motor vehicle fees and reimbursement under the provisions of 61-3-352 and 61-3-536, is not sufficient to fund the permissive amount in full, the amount of the deficiency shall be paid to the district from the earmarked revenue fund according to the provisions of 20-9-351 and subsection (3) of this section. The superintendent of public instruction shall, if the appropriation by the legislature for the permissive account [program] for the biennium is insufficient, request the budget director to submit a request for a supplemental appropriation in the second year of the biennium.

(3) Such distribution shall be made in two payments. The first payment shall be made at the same time as the first distribution of state equalization aid is made after January 1 of the fiscal year. The second payment shall be made at the same time as the last payment

of state equalization aid is made for the fiscal year. If the appropriation is not sufficient to finance the deficiencies of the districts as determined according to subsection (2), each district will receive the same percentage of its deficiency. Surplus revenue in the second year of the biennium may be used to reduce the appropriation required for the next succeeding biennium or may be transferred to the state equalization aid earmarked revenue fund if revenues in that fund are insufficient to meet foundation program requirements."

Section 5. Section 20-9-501, MCA, is amended to read:

"20-9-501. Retirement fund. (1) The trustees of any district employing personnel who are members of the teachers' retirement system or the public employees' retirement system or who are covered by unemployment insurance or who are covered by any federal social security system requiring employer contributions shall establish a retirement fund for the purposes of budgeting and paying the employer's contributions to such systems. The district's contribution for each employee who is a member of the teachers' retirement system shall be calculated in accordance with Title 19, chapter 4, part 6. The district's contribution for each employee who is a member of the public employees' retirement system shall be calculated in accordance with 19-3-801. The district may levy a special tax to pay its contribution to the public employees' retirement system under the conditions prescribed in 19-3-204. The district's contributions for each employee covered by any federal social security system shall be paid in accordance with federal law and regulation. The district's contribution for each employee who is covered by unemployment insurance shall be paid in accordance with Title 39, chapter 51, part 11.

(2) The trustees of any district required to make a contribution to any such system shall include in the retirement fund of the preliminary budget the estimated amount of the employer's contribution and such additional moneys, within legal limitations, as they may wish to provide for the retirement fund cash reserve. After the final retirement fund budget has been adopted, the trustees shall pay the employer contributions to such systems in accordance with the financial administration provisions of this title.

(3) When the final retirement fund budget has been adopted, the county superintendent shall establish the levy requirement by:

(a) determining the sum of the moneys available to reduce the retirement fund levy requirement by adding:

(i) any anticipated moneys that may be realized in the retirement fund during the ensuing school fiscal year, <u>including anticipated motor vehicle fees and reimbursement under the provisions of 61-3-532 and 61-3-536</u>; and

(ii) any cash available for reappropriation as determined by subtracting the amount of the end-of-the-year cash balance earmarked as the retirement fund cash reserve for the ensuing school fiscal year by the trustees from the end-of-the-year cash balance in the retirement fund. The retirement fund cash reserve shall not be more than 35% of the final retirement fund budget for the ensuing school fiscal year and shall be used for the purpose of paying retirement fund warrants issued by the district under the final retirement fund budget.

(b) subtracting the total of the moneys available for reduction of the levy requirement as determined in subsection (3)(a) from the budgeted amount for expenditures in the final retirement fund budget.

(4) The county superintendent shall total the net retirement fund levy requirements separately for all elementary school districts, all high school districts, and all community college districts of the county, including any prorated joint district or special educational cooperative agreement levy requirements, and shall report each such levy requirement to the county commissioners on the second Monday of August as the respective county levy requirements for elementary district, high school district, and community college district retirement funds. The county commissioners shall fix and set such county levy in accordance with 20-9-142.

(5) The net retirement fund levy requirement for a joint elementary district or a joint high school district shall be prorated to each county in which a part of such district is located in the same proportion as the district ANB of the joint district is distributed by pupil residence in each such county. The county superintendents of the counties affected shall jointly determine the net retirement fund levy requirement for each county as provided in 20-9-151.

(6) The net retirement fund levy requirement for districts that are members of special educational cooperative agreements shall be prorated to each county in which such district is located in the same proportion as the budget for the special education cooperative agreement of the district bears to the total budget of the cooperative. The county superintendents of the counties affected shall jointly determine the net retirement fund levy requirement for each county in the same manner as provided in 20-9-151 and fix and levy the net retirement fund levy for each county in the same manner as provided in 20-9-152."

Section 6. Section 20-10-144, MCA, is amended to read:

"20-10-144. Computation of revenues and net tax levy requirements for the transportation fund budget. Before the fourth Monday of July and in accordance with 20-9-123, the county superintendent shall compute the revenue available to finance the transportation fund budget of each district. The county superintendent shall compute the revenue for each district on the following basis:

(1) The "schedule amount" of the preliminary budget expenditures that is derived from the rate schedules in 20-10-141 and 20-10-142 shall be determined by adding the following amounts:

(a) the sum of the maximum reimbursable expenditures for all approved school bus routes maintained by the district (to determine the maximum reimbursable expenditure, multiply the applicable rate per bus mile by the total number of miles to be traveled during the ensuing school fiscal year on each bus route approved by the county transportation committee and maintained by such district); plus

(b) the total of all individual transportation per diem reimbursement rates for such district as determined from the contracts submitted by the district multiplied by the number of pupil-instruction days scheduled for the ensuing school attendance year; plus

(c) any estimated costs for supervised home study or supervised correspondence study for the ensuing school fiscal year; plus

(d) the amount budgeted on the preliminary budget for the contingency amount permitted in 20-10-143, except if such amount exceeds 10% of the total of subsections (1)(a), (1)(b), and (1)(c) or $100, whichever is larger, the contingency amount on the preliminary budget shall be reduced to such limitation amount and used in this determination of the schedule amount.

(2) The schedule amount determined in subsection (1) or the total preliminary transportation fund budget, whichever is smaller, shall be divided by 3 and the resulting one-third amount shall be used to determine the available state and county revenue to be budgeted on the following basis:

(a) the resulting one-third amount shall be the budgeted state transportation reimbursement, except that the state transportation reimbursement for the transportation of special education pupils under the provisions of 20-7-442 shall be two-thirds of the schedule amount attributed to the transportation of special education pupils;

(b) the resulting one-third amount, except as provided for joint elementary districts in subsection (2)(e), shall be the budgeted county transportation reimbursement for elementary districts and shall be financed by the basic county tax under the provisions of 20-9-334;

(c) the resulting one-third amount multiplied by 2 shall be the budgeted county transportation reimbursement amount for high school districts financed under the provisions of subsection (5) of this section, except as provided for joint high school districts in subsection (2)(e), and except that the county transportation reimbursement for the transportation of special education pupils under the provisions of 20-7-442 shall be one-third of the schedule amount attributed to the transportation of special education pupils;

(d) when the district has a sufficient amount of cash for reappropriation and other sources of district revenue, as determined in subsection (3), to reduce the total district obligation for financing to zero, any remaining amount of such district revenue and cash reappropriated shall be used to reduce the county financing obligation in subsections (2)(b) or (2)(c) and, if such county financing obligations are reduced to zero, to reduce the state financial obligation in subsection (2)(a); and

(e) the county revenue requirement for a joint district, after the application of any district moneys under subsection (2)(d) above, shall be prorated to each county incorporated by the joint district in the same proportion as the ANB of the joint district is distributed by pupil residence in each such county.

(3) The total of the moneys available for the reduction of property tax on the district for the transportation fund shall be determined by totaling:

(a) anticipated federal moneys received under the provisions of Title I of Public Law 81-874 or other anticipated federal moneys received in lieu of such federal act; plus

(b) anticipated payments from other districts for providing school bus transportation services for such district; plus

(c) anticipated payments from a parent or guardian for providing school bus transportation services for his child; plus

(d) anticipated interest to be earned by the investment of transportation fund cash in accordance with the provisions of 20-9-213(4); plus

(e) anticipated motor vehicle fees and reimbursement under the provisions of 61-3-532 and 61-3-536; plus

~~(e)~~(f) any other revenue anticipated by the trustees to be earned during the ensuing school fiscal year which may be used to finance the transportation fund; plus

~~(f)~~(g) any cash available for reappropriation as determined by subtracting the amount of the end-of-the-year cash balance earmarked as the transportation fund cash reserve for the ensuing school fiscal year by the trustees from the end-of-the-year cash balance in the transportation fund. Such cash reserve shall not be more than 20% of the final transportation fund budget for the ensuing school fiscal year and shall be for the purpose of paying transportation fund warrants issued by the district under the final transportation fund budget.

(4) The district levy requirement for each district's transportation fund shall be computed by:

(a) subtracting the schedule amount calculated in subsection (1) from the total preliminary transportation budget amount and, for an elementary district, adding such difference to the district obligation to finance one-third of the schedule amount as determined in subsection (2); and

(b) subtracting the amount of moneys available to reduce the property tax on the district, as determined in subsection (3), from the amount determined in subsection (4)(a) above.

(5) The county levy requirement for the financing of the county transportation reimbursement to high school districts shall be computed by adding all such requirements for all the high school districts of the county, including the county's obligation for reimbursements in joint high school districts.

(6) The transportation fund levy requirements determined in subsection (4) for each district and in subsection (5) for the county shall be reported to the county commissioners on the second Monday of August by the county superintendent as the transportation fund levy requirements for the district and for the county, and such levies shall be made by the county commissioners in accordance with 20-9-142.""

Renumber: subsequent section

For the Senate:

Senator Turnage, Chairman
Senator Severson
Senator Eck

For the House:

Representative Yardley, Chairman
Representative Harrington
Representative Nordtvedt

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

House bills passed and transmitted to the Senate for concurrence: 4/16/83

HB 928, introduced by Bengtson, et al.

HJR 9, introduced by Hand

Senate bills concurred in and returned to the Senate: 4/16/83

SB 270, introduced by Regan

SJR 5, introduced by Thomas

SJR 22, introduced by Conover, Crippen, et al.

Free conference committee report adopted: 4/16/83

Free conference committee report on HB 299

Senate amendments to House bills concurred in: 4/16/83

HB 841, introduced by Driscoll, et al.

HB 847, introduced by Driscoll

HB 890, introduced by Hand

The House, on 4/16/83, dissolved the conference committee on HB 118 and appointed a free conference committee to meet with a like committee from the Senate to confer on HB 118.

The Speaker appointed the following members:

Representative Harper, Chairman
Representative Donaldson
Representative Shontz

The House, on 4/16/83, dissolved the conference committee on HB 776 and appointed a free conference committee to meet with a like committee from the Senate to confer on HB 776.

The Speaker appointed the following members:

Representative Shontz, Chairman
Representative Ramirez
Representative Schye

MOTIONS

Senator Hazelbaker moved that the President be authorized to dissolve the conference committee on House amendments to SB 40 and that he be authorized to appoint a free conference committee. Motion carried.

The President appointed the following members:

Senator Story, Chairman
Senator Tveit
Senator Stimatz

Senator Hazelbaker moved that the President be authorized to dissolve the conference committee on House amendments to SB 48 and that he be authorized to appoint a free conference committee. Motion carried.

The President appointed the following members:

Senator Marbut, Chairman
Senator Hammond
Senator Towe

Upon motion of Senator Hazelbaker, duly carried, the Resolutions honoring deceased Senators and the program from the Memorial Service held

on Sunday, April 17, will be printed and placed in the Journal for the eighty-seventh legislative day.

SPECIAL ORDERS OF THE DAY

Memorial Service
April 17, 1983

Honorary Tribute

We gather here this afternoon in the atmosphere of a world, a nation and a state, evolving around a complex social system frustrated by the accomplishments of man's own ingenuity — and possibly — yes possibly, a system to be decimated by that same ingenuity — and not at the will of our creator.

And yes! Once upon a time, maybe in the future yet to be, there existed a social system ruled by a giant computer. This computer had been programmed so that it held in readiness all the facts humanity had ever learned. No person could contain such a vast store of knowledge. The people of that society called the computer "The General." They ran everything according to the general's instructions. The general had all the answers.

Until that day when a stranger walked in. He asked one short, simple question. Electronic circuits began to click, lights began to flash, and the general began a rapid examination of all its great store of facts. For several minutes the computer scanned and sorted. And finally, in high voltage frenzy, it simply disintegrated.

The stranger's question was, "Why?"

Facts don't always answer that one. Computers can't cope with it. What is the meaning of the facts? Why bother? Why study? Why work? Why spend our lives trying to make life good for other people?

And the answer is not one that computers would understand either. But people like the ones we honor today would understand it at least partly. The answer is, "Because." Because God gives us this life to live ... because His love requires an answering love from us ... because He made us like this, programmed for a life of loving service. It is our Creator who put within us the need and the desire to make our lives count in public service and community efforts. No other life style fits us.

These persons we honor today shared all the frailties and ignorance to which we human beings are heir, but they were true to God's creative urge within them to lay their lives on the line for service to their fellow human beings. We honor them today for being citizens instead of computers.

Members of the Legislature, families of the deceased and friends:

A copy of these memorials will be entered upon the journals of the Senate and the House of Representatives of the Forty-eighth Legislature. A copy will be transmitted by the Secretary of the Senate and the Chief Clerk of the House of Representatives to the surviving members of the families and a copy will be filed with the Montana Historical Society.

Representative Mel Williams

The following Senators read the Memorial Resolutions for the past Senators:

Senator Hazelbaker for Senator Gosman
Senator Hazelbaker for Senator Cashmore

Senator Conover for Senator Keller
Senator Gage for Senator DeWolfe
Senator Turnage for Senator Kelly
Senator Lynch for Senator Healy
Senator Smith for Senator Nees
Senator Dover for Senator McKenna
Senator Haffey for Senator Taylor
Senator Dover for Senator Wass
Senator Smith for Senator Michels

A SENATE MEMORIAL ON THE DEATH OF THE LATE GEORGE M. GOSMAN

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Forty-eighth Legislature of the state of Montana record the passing of George M. Gosman, former state Senator and Lieutenant Governor.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late George M. Gosman be filed on the official records of this assembly, the following facts relative to his career are hereby noted:

Born October 19, 1893, at Lima, Mr. Gosman attended schools in Lima and Dillon and graduated from the University of Montana in pharmacy. Mr. Gosman served in the Army infantry in France and Germany during World War I. Mr. Gosman bought Abraham Potts Drug Store in Dillon in 1928, renamed it Gosman Drug and operated it until his retirement in 1965.

Mr. Gosman served in the Montana State Senate as a Senator from Beaverhead County from 1945 to 1951, and was elected Lieutenant Governor in 1952, serving under Governor Hugo J. Aronson.

Mr. Gosman also formerly served on the State Board of Education and the State Highway Commission. He was a Republican Party Chairman, and served as President of the State Pharmaceutical Association and Commander of the Montana American Legion.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable George M. Gosman and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the journal of the Senate of the Forty-eighth Legislature and that original copies of this memorial, signed by the President of the Senate, the members of the appointed Memorial Committee, and the Secretary of the Senate be transmitted to the surviving members of George M. Gosman's family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

.....	.....
Stan Stephens, President of the Senate	Frank Hazelbaker, Chairman of the Memorial Committee
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John W. Larson, Secretary of the Senate	Member of the Memorial Committee

.....
Member of the Memorial Committee

A SENATE MEMORIAL ON THE DEATH OF THE LATE DR. WILLIAM F. CASHMORE

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Forty-eighth Legislature of the state of Montana record the passing of Dr. William F. Cashmore, former state legislator.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Dr. William F. Cashmore be filed on the official records of this assembly, the following facts relative to his career are hereby noted:

Dr. Cashmore was born in Dillon on February 8, 1905. He attended schools in Dillon, where he was active in football, basketball, and band. He graduated from Montana State College in 1924, where he had been active in sports and the Sigma Alpha Epsilon fraternity. Immediately after his graduation from MCS, Dr. Cashmore was employed by the Livestock Sanitary Board, and later resigned his position to enter medical school. Dr. Cashmore earned his degree in 1935 and served his internship at St. Luke Hospital in Chicago. He worked as a staff physician at the Montana State Tuberculosis Hospital at Galen, and opened a medical and surgical practice in Helena in 1936. Dr. Cashmore served as president of both the Helena and Montana Wildlife Federations, was president of the Lewis and Clark Medical Society and was active on the St. Peter's Community Hospital staff. He was State Chairman of the State American Cancer Society Chapter in 1947 and 1948. Dr. Cashmore retired from medical practice in 1965, and was appointed by then Governor Babcock to the State Board of Medical Examiners as Secretary, a position he held until 1971. He was a member of the Helena Lodge No. 3 AF & AM, the Scottish Rite, and the Algeria Shrine.

Dr. Cashmore served in the Montana Senate in 1961 and 1963, and the State House of Representatives in 1969.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Dr. William F. Cashmore and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the journal of the Senate of the Forty-eighth Legislature and that original copies of this memorial, signed by the President of the Senate, the members of the appointed Memorial Committee, and the Secretary of the Senate be transmitted to the surviving members of Dr. William F. Cashmore's family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

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Stan Stephens, President of the Senate

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Frank Hazelbaker, Chairman of the Memorial Committee

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John W. Larson, Secretary of the Senate

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Member of the Memorial Committee

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Member of the Memorial Committee

A SENATE MEMORIAL ON THE DEATH OF THE LATE WEBSTER KELLER

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Forty-eighth Legislature of the state of Montana record the passing of Webster Keller, former state legislator.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Webster Keller be filed on the official records of this assembly, the following facts relative to his career are hereby noted:

Mr. Keller was born April 19, 1895, at Rainey, Missouri. He came to Montana in 1910, established himself in farming and ranching, and maintained a partnership with his son until the time of his death. Mr. Keller participated in a variety of civic activities, including the Stillwater Wool-Growers, of which he was president; and the Beartooth Stock Association, as well as the Stillwater Lodge No. 62, AF & AM, where he was a Past Master. Mr. Webster also served as a Stillwater County Commissioner.

Webster Keller was a former Montana State Senator, serving from 1951 to 1965.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Webster Keller and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the journal of the Senate of the Forty-eighth Legislature and that original copies of this memorial, signed by the President of the Senate, the members of the appointed Memorial Committee, and the Secretary of the Senate be transmitted to the surviving members of Webster Keller's family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

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Stan Stephens, President of the Senate

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Frank Hazelbaker, Chairman of the Memorial Committee

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John W. Larson, Secretary of the Senate

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Member of the Memorial Committee

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Member of the Memorial Committee

A SENATE MEMORIAL ON THE DEATH OF THE LATE PERCY DEWOLFE

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Forty-eighth Legislature of the state of Montana record the passing of Percy DeWolfe, former state legislator.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Percy DeWolfe be filed on the official records of this assembly, the following facts relative to his career are hereby noted:

Mr. DeWolfe was born December 25, 1904 at Babb. He attended schools in that area and was a rancher, operating holdings on the Blackfeet Reservation east of Glacier National Park.

Mr. DeWolfe was first elected to the Montana House of Representatives in 1957, and again in 1959. He ran for State Senate in 1961, and was re-elected and served through 1975. During his last term, he represented a district which encompassed Glacier, Toole, Pondera and Teton Counties. Mr. DeWolfe was elected to serve as President of the Montana Senate during the 1973 session and served as Governor whenever Governor Tom Judge and Lt. Governor Bill Christiansen were out of the state. At the time, it was said DeWolfe was the first American Indian ever to serve as acting Governor of any state, an honor that he viewed as "a tribute to a fine people and a unique heritage."

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Percy DeWolfe and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the journal of the Senate of the Forty-eighth Legislature and that original copies of this memorial, signed by the President of the Senate, the members of the appointed Memorial Committee, and the Secretary of the Senate be transmitted to the surviving members of Percy DeWolfe's family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

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Stan Stephens, President of the Senate	Frank Hazelbaker, Chairman of the Memorial Committee
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John W. Larson, Secretary of the Senate	Member of the Memorial Committee
	.....
	Member of the Memorial Committee

A SENATE MEMORIAL ON THE DEATH OF THE LATE RAY KELLY

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Forty-eighth Legislature of the state of Montana record the passing of Ray Kelly, former state legislator.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Ray Kelly be filed on the official records of this assembly, the following facts relative to his career are hereby noted:

Mr. Kelly was born September 1, 1891, in Rockland, Idaho. He attended grade schools there and later attended high school in Brigham City, Utah. He moved to Polson in 1937 and worked on construction of the Kerr Dam. He later purchased and operated Kelly's Grocery, until selling it and retiring in 1976. Mr. Kelly served as the Mayor in Polson in the 1940's in addition to serving as Justice of the Peace.

Mr. Kelly was elected to the Montana State Senate and served in that body from 1947 to 1951.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Ray Kelly and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the journal of the Senate of the Forty-eighth Legislature and that original copies of this memorial, signed by the President of the Senate, the members of the appointed Memorial Committee, and the Secretary of the Senate be transmitted to the surviving members of Ray Kelly's family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

.....	.....
Stan Stephens, President of the Senate	Frank Hazelbaker, Chairman of the Memorial Committee
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John W. Larson, Secretary of the Senate	Member of the Memorial Committee
	.....
	Member of the Memorial Committee

A SENATE MEMORIAL ON THE DEATH OF THE LATE JOHN E. HEALY

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Forty-eighth Legislature of the state of Montana record the passing of John E. Healy, former state legislator.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late John E. Healy be filed on the official records of this assembly, the following facts relative to his career are hereby noted:

Mr. Healy was born in Butte on September 23, 1907, and attended local schools. He graduated from Butte High School and received a degree in engineering from the University of Washington in 1930. He also attended Montana Tech, and received honors from that school in recognition of his service to the school.

In his early days, Senator Healy was an underground miner for the W. A. Clark Mining Co. as well as the Anaconda Minerals Co., where he worked until his retirement in 1971. He also worked as an engineer for the Montana Highway Department and the Forest Service, and served as the Silver Bow County Surveyor from 1935 to 1941. Senator Healy was a member of the Friendly Sons of St. Patrick, served as president of the Montana Society of Mining Engineers, Alpha Tau Omega, and was a life member of the Butte Elks and Knights of Columbus.

Senator Healy served seven terms in the Montana House of Representatives from 1961 to 1974, and was ending his second term in the Senate, where he had served since 1975, at the time of his death. He broke his service in 1971 when he resigned to lobby before the Montana Constitutional Convention.

Senator Healy never missed a legislative day during all his years of service; an attendance record which earned him the nickname "Old Reliable." He was known as a fighter who wasn't afraid to let his views be known.

He fought to retain silicosis benefits for miners and their widows, steadfastly battled a sales tax, and was a leader in the fight to get Interstate 15 routed through Boulder and Basin to Butte.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable John E. Healy and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the journal of the Senate of the Forty-eighth Legislature and that original copies of this memorial, signed by the President of the Senate, the members of the appointed Memorial Committee, and the Secretary of the Senate be transmitted to the surviving members of John E. Healy's family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

.....	.....
Stan Stephens, President of the Senate	Frank Hazelbaker, Chairman of the Memorial Committee
.....	.....
John W. Larson, Secretary of the Senate	Member of the Memorial Committee
	.....
	Member of the Memorial Committee

A SENATE MEMORIAL ON THE DEATH OF THE LATE STANLEY R. NEES

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Forty-eighth Legislature of the state of Montana record the passing of Stanley R. Nees, former state legislator.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Stanley R. Nees be filed on the official records of this assembly, the following facts relative to his career are hereby noted:

Mr. Nees was born September 20, 1903, at Cando, North Dakota and was raised and educated at Douglas, North Dakota. He moved to a homestead in the Mineral Bench community north of Poplar in 1919.

Mr. Nees was a Roosevelt County Commissioner from 1951 to 1956, before he was elected to his first State Senate term. Mr. Nees was a member and past chairman of the Board of Directors of the Traders State Bank of Poplar and owned an interest in a local grain elevator. He was also an elder in the First Presbyterian Church.

Mr. Nees was elected to his first State Senate term in 1956, and served as State Senator from 1957 to 1975. He retired in 1975 and two years later was appointed to the Montana Agriculture Stabilization and Conservation Service Committee by former Secretary of Agriculture Bob Berglund.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Stanley R. Nees and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the journal of the Senate of the Forty-eighth Legislature and that original copies of this memorial, signed by the President of the Senate, the members of the appointed Memorial Committee, and the Secretary of the Senate be transmitted to the surviving members of Stanley R. Nees's family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

.....	.....
Stan Stephens, President of the Senate	Frank Hazelbaker, Chairman of the Memorial Committee
.....	.....
John W. Larson, Secretary of the Senate	Member of the Memorial Committee
	.....
	Member of the Memorial Committee

A SENATE MEMORIAL ON THE DEATH OF THE LATE GEORGE S. MCKENNA

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Forty-eighth Legislature of the state of Montana record the passing of George S. McKenna, former state legislator.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late George S. McKenna be filed on the official records of this assembly, the following facts relative to his career are hereby noted:

Mr. McKenna was born on December 16, 1886, in Kilborn, South Dakota, where he attended local rural schools. He graduated from Milbank High School in 1909, and then taught in rural schools until he started farming in 1912. In 1914, he came to Montana, bought land near Geyser which he ranched with his brother until its sale in 1959. He lived in Stanford until moving to Lewistown. During his ranching years, he was elected to the Board of County Commissioners of Judith Basin County in 1922, soon after the county's organization. He was a member of the School Board and the Red Cross County Board, as well as the Knights of Columbus.

Mr. McKenna was elected to the Montana House of Representatives in 1936, and served three two-year terms. He then was elected to the Montana State Senate, serving five four-year terms. During the last two years of his 26 years service to the Legislature, Mr. McKenna served as President Pro Tem ad Interim of the Montana State Senate.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable George S. McKenna and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the journal of the Senate of the Forty-eighth Legislature and that original copies of this memorial, signed by the President of the Senate, the members of the appointed Memorial Committee, and the Secretary of the Senate be transmitted to the surviving members of George S. McKenna's

family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

.....	.....
Stan Stephens, President of the Senate	Frank Hazelbaker, Chairman of the Memorial Committee
.....	.....
John W. Larson, Secretary of the Senate	Member of the Memorial Committee
	.....
	Member of the Memorial Committee

A SENATE MEMORIAL ON THE DEATH OF THE LATE WILLIAM R. TAYLOR

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Forty-eighth Legislature of the state of Montana record the passing of William R. Taylor, former state legislator.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late William R. Taylor be filed on the official records of this assembly, the following facts relative to his career are hereby noted:

Judge Taylor was born in Anaconda on January 9, 1908, and attended Anaconda schools. He attended the University of Illinois and obtained a Law Degree from the University of Montana.

Judge Taylor practiced law in Anaconda and served as a city and county attorney. He was elected Judge of the Third Judicial District at Anaconda in 1944 and held that post for 14 years. After his resignation in 1958, he continued to privately practice law in Billings, and later returned to Deer Lodge, establishing a law practice with offices in Anaconda and Philipsburg. Judge Taylor served as the Deer Lodge City Attorney, as well as a Director of the Deer Lodge Bank and Trust Company.

Judge Taylor served in the Montana State Senate from 1941 through 1943.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable William R. Taylor and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the journal of the Senate of the Forty-eighth Legislature and that original copies of this memorial, signed by the President of the Senate, the members of the appointed Memorial Committee, and the Secretary of the Senate be transmitted to the surviving members of William R. Taylor's family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

.....	.....
Stan Stephens, President of the Senate	Frank Hazelbaker, Chairman of the Memorial Committee
.....	.....

John W. Larson, Secretary of the Senate

Member of the Memorial Committee

.....
Member of the Memorial Committee

A SENATE MEMORIAL ON THE DEATH OF THE LATE LINDSAY M. A. WASS

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Forty-eighth Legislature of the state of Montana record the passing of Lindsay M. A. Wass, former state legislator.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Lindsay M. A. Wass be filed on the official records of this assembly, the following facts relative to his career are hereby noted:

Mr. Wass was born in Trumbell, Nebraska on August 5, 1892, and was educated in Nebraska. Mr. Wass came to Montana during 1913 as part of the survey gang performing preliminary work for the Milwaukee Road. The following year he began homesteading and working at the Hyland and Tronsdale General Store in Roy. Wass joined the Navy during WWI as a pharmacist on convoy duty, making 14 trips across the Atlantic Ocean and two across the Pacific. After the war he returned to Roy and later moved to Fergus where he managed the Fergus Mercantile General Store for a year, and then returned to Roy. Upon his return, he purchased Wass Merc, which he ran for almost half a century before closing it in 1976 and retiring. He also purchased a larger store in Drummond, which he sold in 1951. Wass was active in the Masonic Lodge No. 37 AF & AM, Knights Temple, Algeria Shrine, Roy American Legion, Oddfellows, Roy Rod and Gun Club, the Montana State Grazing Commission, the Montana State Liquor Administration and Montana State OPA directors. Mr. Wass served in the Montana State Senate from 1933 to 1937.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Lindsay M. A. Wass and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the journal of the Senate of the Forty-eighth Legislature and that original copies of this memorial, signed by the President of the Senate, the members of the appointed Memorial Committee, and the Secretary of the Senate be transmitted to the surviving members of Lindsay M. A. Wass's family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

.....
Stan Stephens, President of the Senate

.....
Frank Hazelbaker, Chairman of the Memorial Committee

.....
John W. Larson, Secretary of the Senate

.....
Member of the Memorial Committee

.....
Member of the Memorial Committee

A SENATE MEMORIAL ON THE DEATH OF THE LATE LLOYD J. MICHELS

WHEREAS, it is with deep and sincere sorrow that the members of the Senate of the Forty-eighth Legislature of the state of Montana record the passing of Lloyd J. Michels, former state legislator.

WHEREAS, it is fitting and proper that the outstanding record and accomplishments of the late Lloyd J. Michels be filed on the official records of this assembly, the following facts relative to his career are hereby noted:

Mr. Michels was born on February 23, 1905, in Minnewauken, North Dakota and moved to Medicine Lake in 1910. He was reared in the Medicine Lake area and attended the Billings Polytechnic Institute.

Mr. Michels was active in many business and community affairs in the Medicine Lake area, having worked for the Agricultural Adjustment Administration and the Missouri-Souris Water Conservation Project in the late 1940's. He served on the Medicine Lake School Board, the National Board of the Grain Terminal Association, and the State College Advisory Board for Montana State University in Bozeman. He also served on the State Highway Interim Commission, and was a delegate to the Democratic National Convention in 1956.

Mr. Michels was first elected to the Montana House of Representatives, serving in that Legislative body from 1949 to 1957. He was elected a State Senator in 1958 and served in that body from the 1959 Session to 1965.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That we hereby express our esteem and respect to the memory of the honorable Lloyd J. Michels and extend to the members of his family our sincere sympathy in their great and irreparable loss.

BE IT FURTHER RESOLVED, that a copy of this memorial be entered upon the journal of the Senate of the Forty-eighth Legislature and that original copies of this memorial, signed by the President of the Senate, the members of the appointed Memorial Committee, and the Secretary of the Senate be transmitted to the surviving members of Lloyd J. Michels's family hereinabove designated and that an original copy of this memorial be filed with the Montana Historical Society.

.....	.....
Stan Stephens, President of the Senate	Frank Hazelbaker, Chairman of the Memorial Committee
.....	.....
John W. Larson, Secretary of the Senate	Member of the Memorial Committee
	.....
	Member of the Memorial Committee

At the request of the President, and without objection, the Senate reverted to Order of Business No. 7.

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 928, introduced by Bengtson, H. Hammond, Tveit, Jacobson, Haffey, Peck, Ernst, Donaldson, (By Request of the Joint Appropriations Subcommittee on Education and Cultural Resources). Referred to Committee on Finance and Claims.

HJR 9, introduced by Hand, Hazelbaker, Keyser, Lynch, Harrington, Jacobson, McBride, D. Brown, Menahan, Daily, Quilici, Pavlovich, Stimatz. Referred to Committee on Finance and Claims.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Van Valkenburg in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 312 - That House amendments to SB 312 be not concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 429 - That House amendments to SB 429 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 452 - That House amendments to SB 452 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

HB 23 - That HB 23 be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Gage, Graham, Haffey, Halligan, Hazelbaker, Jacobson, Kolstad, Lane, Lee, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Regan, Severson, Stimatz, Thomas, Towe, Van Valkenburg, Mr. President.
Total 32

Noes: Aklestad, Dover, Elliott, Etchart, Galt, Goodover, Hammond, Himsl, Keating, Mohar, Ochsner, Smith, Story, Turnage, Tveit.
Total 15

Excused: Hager.
Total 1

Absent or not voting: Lynch, Shaw.
Total 2

HB 558 - That HB 558, without objection, be moved below HB 899.

HB 668 - That HB 668 be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Eck, Fuller, Gage, Graham, Halligan, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Van Valkenburg.
Total 33

Noes: Aklestad, Crippen, Daniels, Elliott, Galt, Goodover, Keating, Mohar, Norman, Thomas, Tveit, Mr. President.
Total 12

Excused: Hager.
Total 1

Absent or not voting: Dover, Etchart, Haffey, Hammond.
Total 4

HB 899 - That HB 899 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning,

Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

HB 558 - That HB 558, without objection, be moved to the bottom of the board.

HB 900 - That HB 900, without objection, be moved below HB 558.

HJR 38 - That HJR 38 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

HB 846 - That the conference committee report on HB 846 be adopted. Motion carried as follows:

Ayes: Berg, Boylan, Brown, Christiaens, Conover, Eck, Elliott, Etchart, Fuller, Graham, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lynch, D. Manning, Mazurek, McCallum, Mohar, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 33

Noes: Aklestad, Blaylock, Crippen, Daniels, Dover, Gage, Galt, Goodover, Hammond, Keating, Lee, R. Manning, Marbut, Norman, Shaw, Towe.
Total 16

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

HB 225 - That the conference committee report on HB 225 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

HB 281 - That the conference committee report on HB 281 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

SB 186 - That the free conference committee report on SB 186 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

HB 83 - That the Governor's amendments to HB 83 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Halligan, Hammond, Hazelbaker, Himsl,

Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: Hager.
Total 1

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Van Valkenburg moved the adoption of the committee report. Report adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Senate recessed at 9:53 a.m. until the hour of 1:30 p.m.

Senate resumed at 1:30 p.m.

Senator Hager present at this time.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on SB 235
Report No. 1, April 16, 1983

Mr. President and Speaker of the House:

We, your free conference committee on SB 235, met April 16, 1983, and considered the amendments of the following committees:

House Committee of the Whole (3/28/83)

We recommend that:

The House recede from Committee of the Whole amendment.

SB 235 be further amended as indicated in the clerical instructions.

The reference copy of SB 235 be amended to read as specified in the clerical instructions.

The free conference committee report on SB 235 be adopted.

Clerical Instructions:

1. Page 3, line 24 through page 4, line 5.
Strike: subsections (E) and (F) in their entirety
Renumber: subsequent subsections

2. Page 4.
Following: line 10
Insert: "(3) The budget director must also prepare and submit to the legislative fiscal analyst in accordance with 17-7-112:

(a) detailed recommendations for the state long-range building program. Each recommendation shall be presented by department, institution, agency, or branch by funding source, with a description of each proposed project; and

(b) the proposed pay plan schedule for all executive branch employees with the specific cost and funding recommendations for each agency. Submission of a pay plan schedule under this subsection is not an unfair labor practice under 39-31-401."

3. Page 5, line 11.
Following: "."
Insert: "(4) The proposed pay plan schedule required by 17-7-111(3) must be submitted to the legislative fiscal analyst no later than November 15 in the year preceeding the convening of the legislature."

4. Page 4, line 21.
Following: "17-7-111"
Insert: "(2)"

For the Senate:

Senator Smith, Chairman
Senator Haffey
Senator McCallum

For the House:

Representative Waldron, Chairman
Representative Donaldson
Representative Roush

Free Conference Committee
on HB 335
Report No. 1, April 16, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 335, met April 16, 1983, and considered the amendments of the following committees:

Senate Committee on Fish and Game (3/18/83)

We recommend that:

The House accede to Standing Committee amendments.

HB 335 be further amended as indicated in clerical instructions 1 through 6.

The reference copy of HB 335 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 335 be adopted.

Clerical Instructions:

1. Statement of Intent, lines 6, 7, 9, 10, 11, 13, 14, 15, 17, 18, 20, and 22.
Strike: "cow"
Insert: "antlerless"

2. Statement of Intent, line 19.
Strike: "cow"
Insert: "antlerless or either sex"

3. Title, line 7.
Strike: "COW"
Insert: "ANTLERLESS"

4. Page 4, lines 5, 6, and 7.
Strike: "cow"
Insert: "antlerless"

5. Page 4, line 9.
Following: "COMMISSION."
Insert: "However, no person may take more than one elk during any license year, and a person taking an antlerless elk as provided in this subsection may not take another elk during the same license year with a Class A-5 elk tag."

6. Page 14, line 18.
Following: "tag"
Insert: "and creating the Class A-7 antlerless elk tag"

For the Senate:

Senator Smith, Chairman
Senator Jacobson
Senator Lee

For the House:

Representative Nilson, Chairman
Representative Mueller
Representative Ream

Free Conference Committee
on HB 720
Report No. 1, April 18, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 720, met April 18, 1983, and considered the amendments of the following committees:

Senate Committee of the Whole (3/25/83)

We recommend that:

The House accede to Senate Committee of the Whole amendments 1 and 2.

HB 720 be further amended as indicated in clerical instructions 1 through 10.

The reference copy of HB 720 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 720 be adopted.

Clerical Instructions:

1. Page 5, line 6.
Following: "FUNDS"
Insert: "so"

2. Page 5, line 9.
Strike: "IS"
Insert: "are"

3. Page 6, line 18.
Strike: "is"
Insert: "are"

4. Page 7, line 5.
Following: "for the"
Insert: "payment of the"

5. Page 7, line 10.
Following: "refunding"

Insert: "bonds and of establishing and maintaining the escrow"

6. Page 7, line 11.
Following: "not"
Insert: "to be"

7. Page 7, line 24.
Strike: "is"
Insert: "are"

8. Page 8, line 5.
Following: "refunded"
Insert: "bond to its maturity or redemption date, if called for"

9. Page 8, line 10.
Following: "for the"
Insert: "payment of the"

10. Page 8, line 14.
Following: "city"
Insert: "or town"

For the Senate:

Senator Himsl, Chairman
Senator Story
Senator Thomas

For the House:

Representative Brand, Chairman
Representative Lory
Representative Hand

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

April 18, 1983

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 69, 410, 454.

Sincerely,

Ted Schwinden
Governor

MOTIONS

Senator Hazelbaker moved that the President be authorized to dissolve the conference committee on Senate amendments to HB 776 and that he be authorized to appoint a free conference committee. Motion carried.

The President appointed the following members:

Senator Lee, Chairman
Senator Etchart
Senator Stimatz

Senator Hazelbaker moved that the President be authorized to appoint a free conference committee to confer on SB 312. Motion carried.

The President appointed the following members:

Senator Himsl, Chairman

Senator Hazelbaker
Senator Jacobson

Senator Hazelbaker moved that the President be authorized to dissolve the conference committee on Senate amendments to HB 47 and that he be authorized to appoint a free conference committee. Motion carried.

The President appointed the following members:

Senator Story, Chairman
Senator Marbut
Senator R. Manning

Senator Hazelbaker moved that the President be authorized to dissolve the conference committee on Senate amendments to HB 68 and that he be authorized to appoint a free conference committee. Motion carried.

The President appointed the following members:

Senator Dover, Chairman
Senator Lee
Senator Mohar

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Van Valkenburg in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 558 - That HB 558 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Smith.
Total 1

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Van Valkenburg moved the adoption of the committee report. Report adopted.

Senate recessed at 1:42 p.m.

Senate resumed at 2:26 p.m.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Van Valkenburg in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 900 - That HB 900, third reading copy, be amended as follows:

1. Page 5, line 14.
Strike: lines 14 and 15

2. Page 5, line 21.
Strike: line 21

Amendment failed as follows:

Ayes: Aklestad, Boylan, Gage, Galt, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Shaw, Smith, Story, Tveit, Mr. President.
Total 18

Noes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Goodover, Graham, Haffey, Halligan, Himsl, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Severson, Stimatz, Thomas, Towe, Turnage, Van Valkenburg.
Total 32

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 900, third reading copy, be amended as follows:

1. Page 2, line 21.
Following: "appropriated"
Insert: "subject to limitations of Senate Resolution No. 3"

Amendment passed as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Crippen, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, Marbut, Mazurek, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 39

Noes: Blaylock, Conover, Daniels, Eck, D. Manning, R. Manning, Mohar, Regan, Stimatz, Towe, Van Valkenburg.
Total 11

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 900, third reading copy, be further amended as follows:

1. Page 3, line 7.
Strike: line 7 through page 5, line 11
Insert: "Prison expansion escrow $14,416,400

(1) $14,416,400 shall be placed in a special account and invested by the board of investments. The interest income from this account

shall be used, in conjunction with an additional amount appropriated by the legislature equal to the additional costs of operating the proposed new prison facility (Plan B) ($1,774,661 per year projected under Plan B), as follows: The department of institutions shall make a grant to each county for each eligible person diverted from the Montana State prison according to the following formula: the total interest from the account established in this section and the total appropriation received for this purpose, less 10%, divided by 192 (the number of new beds that would otherwise have been built), divided by 12 months, multiplied by the number of months until the person would be first eligible for parole under the best of considerations and including all possible good time allowances. If the number of months exceeds the number of months the grant may be applied for again in the following year.

(2) To be eligible, a person must have been regularly sentenced to the Montana State Prison. Further, the county must provide suitable housing for said person which may not be in the county jail for more than 90 days unless the person is released for at least 9 hours a day for 5 days a week and then it may not exceed 180 days. Further, the person must have an approved restitution plan which has been approved by the court and which will include full restitution provided that in the event full restitution cannot be realistically completed in 5 years from first employment, it may be sufficient if it is completed for such 5 years. The court may retain jurisdiction for the duration of the restitution plan, regardless of the length of the sentence. The court may also include defense costs, if the person was assisted by a court appointed attorney, court costs and costs of prosecution. No person convicted of a crime against a person or who has indicated violent behavior in the past or who has been convicted of escape is eligible for this program unless the court certifies that the person is a non-dangerous offender."

Amendment failed as follows:

Ayes: Aklestad, Berg, Boylan, Christiaens, Gage, Kolstad, Lee, Shaw, Towe.
Total 9

Noes: Blaylock, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 41

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 900, third reading copy, be further amended as follows:

1. Page 5.
Following: line 13
Strike: lines 14 and 15 in their entirety
Insert:

Agency/Program	BPICA	Other Approp. Funds
"Energy Conservation Retrofit Department of Administration	1,000,000	
Forensic Building Improvements & Addition, Warm Springs	1,678,464	
Construct Emergency Operations Center, Helena Armory	913,356	
Roof Replacement & Major Maint. Department of Administration	1,092,106	
Purchase Infirmary, Prison	100,000	
Industries Building, Prison	700,000	
Roof Replacement & Major Maint. University System	1,443,700	
Electrical Distribution System, UM	30,374	

There is also appropriated from other funds $804,688 to the Department of Administration for the purpose of constructing an emergency operations center at the Helena armory."

Amendment withdrawn.

That HB 900, as amended, be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Aklestad, Lee, Shaw.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Van Valkenburg moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HJR 31 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 46

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Brown, Kolstad, Lee, Shaw.
Total 4

SB 428, conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Kolstad, Lee, Shaw.
Total 3

HB 733, conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Kolstad, Lee.
Total 2

HB 191, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 376, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 545, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 798, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Dover.
Total 1

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 880, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 3:18 p.m., until Tuesday, April 19, 1983, at the hour of 9:00 a.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTY-EIGHTH LEGISLATIVE DAY

Helena, Montana
April 19, 1983

Senate Chambers
State Capitol

Senate convened at 9:00 a.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the eighty-seventh legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

LOCAL GOVERNMENT (McCallum, Chairman):
HB 171, third reading copy, be amended as follows:

1. Page 2, line 20.
Following: "board"
Strike: "may"
Insert: "shall"

2. Page 2, line 21.
Following: "annexation"
Strike: ", in whole or in part, or it may disapprove the annexation"
Insert: "unless a protest petition signed by a majority of the landowners of the area proposed for annexation is presented at the hearing in which case the annexation shall be disapproved."

And, as amended, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on SB 40
Report No. 1, April 18, 1983

Mr. President and Speaker of the House:

We, your free conference committee on SB 40, met April 18, 1983, and considered the amendments of the following committees:

House Committee on State Administration (3/23/83)

We recommend that:

The Senate accede to Standing Committee amendments.

SB 40 be further amended as indicated in clerical instructions 1 through 3.

The reference copy of SB 40 be amended to read as specified in the clerical instructions.

The free conference committee report on SB 40 be adopted.

Clerical Instructions:

1. Page 1, line 16.
Strike: "designated by the committee"

2. Page 4, line 15.

Following: "."
Insert: "a notice indicating where a copy of"
Following: "STATEMENT"
Insert: "may be obtained"

3. Page 8.
Following: line 15
Insert: "Section 2. An environmental impact statement prepared pursuant to 75-1-201 that includes an analysis of the factors listed in 2-4-405 satisfies the provisions of 2-4-405."

For the Senate:

Senator Story, Chairman
Senator Stimatz
Senator Tveit

For the House:

Representative Harper, Chairman
Representative Schultz
Representative Spaeth

Free Conference Committee
on SB 439
Report No. 1, April 18, 1983

Mr. President and Speaker of the House:

We, your free conference committee on SB 439, met April 18, 1983, and considered the amendments of the following committees:

House Committee on Local Government (3/24/83)

We recommend that:

The Senate accede to Standing Committee amendments 1, 3 through 5, and 8.

The House recede from Standing Committee amendments 2, 6 (both), and 7.

SB 439 be further amended as indicated in clerical instruction 1 through 11.

The reference copy of SB 439 be amended to read as specified in the clerical instructions.

The free conference committee report on SB 439 be adopted.

Clerical Instructions:

1. Title, line 8.
Strike: "BY"

2. Title, line 9.
Following: line 8
Strike: "VARYING"
Insert: "THAT SUPPLANT"

3. Page 2, line 16.
Following: "(4)"
Strike: "The" through "limits." on page 3, line 1
Insert: "Subsection (1) does not apply within the applicable jurisdiction of a local government that has supplanted the provisions of subsection (1) as provided in 16-3-309."

4. Page 3, line 3.
Strike: "AS"

5. Page 3, line 4.

Following: line 3
Strike: "PROVIDED IN 16-3-306, THE counties, cities, and"
Insert: "An"

6. Page 3, line 5.
Following: line 4
Strike: "towns"
Insert: "city"
Following: "enact"
Strike: "ordinances"
Insert: "an ordinance"
Following: "in"
Strike: "the"

7. Page 3, line 6.
Strike: line 6 in its entirety

8. Page 3, line 7.
Following: line 6
Strike: "and towns"
Insert: "its incorporated limits"

9. Page 3.
Following: line 7
Insert: "(2) A county may enact an ordinance or resolution defining certain areas in the county, not within the incorporated limits of a city, where alcoholic beverages may or may not be sold.

(3) In enacting such an ordinance or resolution, the county or city may provide that the provisions of 16-3-306(1) do not apply within the jurisdictional area of the ordinance or resolution. If a county or city has supplanted the provisions of 16-3-306(1), upon request of the department the governing body of the county or city must certify to the department whether or not the person or individual identified in the request may lawfully sell alcoholic beverages under the terms of the ordinance or resolution. The department is bound by the determination set forth in the certification."

10. Page 3, line 8.
Following: line 7
Strike: "(2)"
Insert: "(4)"
Following: "county"
Strike: ", "
Insert: "or"
Following: "city"
Strike: ", or incorporated town"

11. Page 3, lines 11 through 13.
Strike: subsection (3) in its entirety

For the Senate:

Senator Hager, Chairman
Senator Marbut
Senator Norman

For the House:

Representative McBride, Chairman
Representative Fabrega
Representative Kadas

Free Conference Committee
on HB 47
Report No. 1, April 18, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 47, met April 18, 1983, and considered the amendments of the following committees:

Senate Committee on State Administration (3/2/83)

Senate Committee of the Whole (3/4/83)

We recommend that:

The House accede to all Senate amendments.

HB 47 be further amended as indicated in clerical instruction 1.

The reference copy of HB 47 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 47 be adopted.

Clerical Instructions:

1. Page 1, lines 13 and 14.
Strike: "adopted OR"
Following: "ADOPTED" on line 14
Insert: "after the effective date of this act"

For the Senate:

Senator Story, Chairman
Senator R. Manning
Senator Marbut

For the House:

Representative Harper, Chairman
Representative Schultz
Representative Spaeth

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

April 18, 1983

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 227, 249, 309, 395, 448.

Sincerely,

Ted Schwinden
Governor

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

April 19, 1983

The Honorable Daniel Kemmis
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Stephens and Representative Kemmis:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 715 "AN ACT TO ALLOW COUNTIES AND MUNICIPALITIES TO AMEND THEIR FINAL BUDGETS BECAUSE OF SHORTFALLS

IN REVENUES OR SAVINGS; AMENDING SECTIONS 7-6-2302, 7-6-2324, 7-6-4231, AND 7-6-4235, MCA; AND PROVIDING AN EFFECTIVE DATE", without my signature and recommend the attached amendment for the following reasons.

House Bill No. 715 amends Section 7-6-2320, MCA. In the title of the bill, however, the numbers have been transposed to indicate that Section 7-6-2302 is being amended.

The amendment I am proposing changes the title to reflect the content of the bill.

I urge your concurrence in this amendment.

Governor's Proposed Amendments
to HB 715

1. Title, line 7.
Following: "SECTIONS"
Strike: "7-6-2302"
Insert: "7-6-2320"

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Conference committee reports adopted: 4/18/83

Conference committee report on HB 225

Conference committee report on HB 281

Free conference committee reports adopted: 4/18/83

Free conference committee report on HB 335

Free conference committee report on HB 581

Free conference committee report on HB 720

Free conference committee report on SB 186

Free conference committee report on SB 235

Senate amendments to House bills concurred in: 4/18/83

HB 1, introduced by Vincent, et al.

HB 112, introduced by Donaldson

HB 114, introduced by Manuel, et al.

HB 334, introduced by Roush, et al.

HB 405, introduced by Holliday, et al.

HB 446, introduced by D. Brown, et al.

HB 510, introduced by Jones, et al.

HB 544, introduced by Peck, et al.

HB 597, introduced by Schye, Etchart

HB 600, introduced by McBride, et al.

HB 755, introduced by Yardley, et al.

HB 800, introduced by Vincent, et al.

HB 815, introduced by Fabrega, et al.

HB 819, introduced by Asay, et al.

HB 820, introduced by Asay, et al.

HB 876, introduced by Jacobsen, et al.

HB 898, introduced by Bardanouve

HB 902, introduced by Bardanouve

HB 914, introduced by Asay, et al.

HB 919, introduced by Peck, Neuman

House bills passed and transmitted to the Senate for concurrence: 4/18/83

HB 833, introduced by Manuel, Bardanouve

HB 926, introduced by Thoft

HJR 43, introduced by J. Jensen, et al.

HJR 45, introduced by Connelly, et al.

The House, on 4/18/83, acceded to the request of the Senate and appointed a free conference committee to meet with a like committee from the Senate to confer on SB 40.

The Speaker appointed the following members:

Representative Harper, Chairman
Representative Schultz
Representative Spaeth

The House, on 4/18/83, acceded to the request of the Senate and appointed a free conference committee to meet with a like committee from the Senate to confer on SB 48.

The Speaker appointed the following members:

Representative Brand, Chairman
Representative Driscoll
Representative Mueller

The House, on 4/18/83, acceded to the request of the Senate and appointed a free conference committee to meet with a like committee from the Senate to confer on HB 68.

The Speaker appointed the following members:

Representative Harper, Chairman
Representative Seifert
Representative Veleber

The House, on 4/18/83, acceded to the request of the Senate and appointed a free conference committee to meet with a like committee from the Senate to confer on SB 312.

The Speaker appointed the following members:

Representative Waldron, Chairman
Representative Metcalf

Representative Switzer

The House, on 4/18/83, dissolved the conference committee on HB 47 and appointed a free conference committee to meet with a like committee from the Senate to confer on HB 47.

The Speaker appointed the following members:

Representative Harper, Chairman
Representative Schultz
Representative Spaeth

The House, on 4/16/83, failed to concur in Senate amendments to HB 739 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 739.

The Speaker appointed the following members:

Representative Keenan, Chairman
Representative Underdal
Representative Yardley

The House, on 4/18/83, failed to concur in Senate amendments to HB 400 and appointed a free conference committee, requesting that the Senate appoint a like committee to confer on HB 400.

The Speaker appointed the following members:

Representative Waldron, Chairman
Representative Jones
Representative Saunders

The House, on 4/18/83, failed to concur in Senate amendments to HB 447 and appointed a free conference committee, requesting that the Senate appoint a like committee to confer on HB 447.

The Speaker appointed the following members:

Representative Bardanouve, Chairman
Representative Donaldson
Representative Waldron

The House, on 4/18/83, failed to concur in Senate amendments to HB 745 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 745.

The Speaker appointed the following members:

Representative Schye, Chairman
Representative Bardanouve
Representative Compton

The House, on 4/18/83, failed to concur in Senate amendments to HB 885 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 885.

The Speaker appointed the following members:

Representative Spaeth, Chairman
Representative Jacobsen
Representative Lory

The House, on 4/18/83, failed to concur in Senate amendments to HB 897 and appointed a free conference committee, requesting that the Senate appoint a like committee to confer on HB 897.

The Speaker appointed the following members:

Representative Neuman, Chairman
Representative Harper
Representative Lory

The House, on 4/18/83, failed to concur in Senate amendments to HB 908 and appointed a conference committee, requesting that the Senate appoint a like committee to confer on Senate amendments to HB 908.

The Speaker appointed the following members:

Representative Harper, Chairman
Representative Kemmis
Representative Iverson

Governor's amendments to House bills concurred in and returned to the Senate for concurrence in Governor's amendments: 4/18/83

HB 228, introduced by Quilici, et al.

HB 721, introduced by Wallin, et al.

MOTIONS

Senator Hazelbaker moved that the President be authorized to dissolve the free conference committee on SB 317 and that he be authorized to appoint a conference committee. Motion carried.

The President appointed the following members:

Senator Kolstad, Chairman
Senator Lee
Senator Blaylock

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 833, introduced by Manuel, Bardanouve. Referred to Committee on Finance and Claims.
HB 926, introduced by Thoft, Hager, Boylan, Neuman. Referred to Committee on Rules.
HJR 43, introduced by J. Jensen, Vincent, Sands, Bengtson, Addy, Hemstad, Peck, Donaldson, Saunders, Hannah, Kennerly, Kitselman, Fagg, Eudaily, Lory, Wallin, Iverson, Miller, J. Hammond, Holliday, Brand, Zabrocki, Mazurek, Lybeck, Abrams, Harper, Nordtvedt, B. Brown, Darko, Neuman, Nisbet, Ream, Manuel. Referred to Committee on Legislative Administration.
HJR 45, introduced by Connelly, J. Brown, Lory, Bengtson, Donaldson, Darko, Manuel, Harp, B. Brown, Regan, McCallum, Lybeck, Marks, Kemmis, Stobie, Koehnke. Referred to Committee on Legislative Administration.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Turnage moved that consideration on HB 900 on third reading be passed. Motion carried unanimously.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Hager in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HJR 19 - That the conference committee report on HJR 19 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Goodover.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 235 - That the free conference committee report on SB 235 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 335 - That the free conference committee report on HB 335 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 581 - That the free conference committee report on HB 581 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 720 - That the free conference committee report on HB 720 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Hager moved the adoption of the committee report. Report adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Conference committee on Senate amendments to HB 742 will meet at 10:30 a.m. this day in Room 405.

Free conference committee on SB 451 will meet at 10:30 a.m. this day.

Conference committee on Senate amendments to HB 540 will meet at 10:30 a.m. this day in the old Supreme Court Chambers.

Free conference committee on HB 749 will meet at 10:30 a.m. this day in Room 224A.

Senate recessed at 9:28 a.m. until the hour of 1:30 p.m.

Senate resumed at 1:30 p.m.

Senators Towe and Turnage excused at this time.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on SB 118
Report No. 1, April 18, 1983

Mr. President and Speaker of the House:

We, your free conference committee on SB 118, met April 15, 1983, and considered the amendments of the following committees:

House Committee on Natural Resources (3/23/83)

We recommend that:

The Senate accede to Standing Committee amendment 1, statement of intent.

The Senate accede to Standing Committee amendments 1, 2, and 3.

The House recede from Standing Committee amendment 4.

SB 118 be further amended as indicated in clerical instruction 1.

The reference copy of SB 118 be amended to read as specified in the clerical instructions.

The free conference committee report on SB 118 be adopted.

Clerical Instructions:

1. Page 2, line 19.
Following: "and"
Strike: "IN THE NEAREST METROPOLITAN AREA (BILLINGS, GREAT FALLS, MISSOULA, HAVRE, BOZEMAN, KALISPELL, BUTTE) IF SUFFICIENT PUBLIC INTEREST IS SHOWN, AND"

For the Senate:	For the House:
Senator Story, Chairman	Representative Ream, Chairman
Senator Hammond	Representative J. Jensen
Senator Towe	Representative Mueller

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

April 19, 1983

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 141, 167, 201, 214, 217, 232, 316, 391, 436, 441.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House, on 4/18/83, acceded to the request of the Senate and appointed a new conference committee to meet with a like committee from the Senate to confer on House amendments to SB 317.

The Speaker appointed the following members:

Representative Jacobsen, Chairman
Representative Manuel
Representative Ernst

House bills passed and transmitted to the Senate for concurrence: 4/19/83

HB 927, introduced by Bardanouve

HJR 4, introduced by Nordtvedt

HJR 44, introduced by Ramirez, et al.

HJR 46, introduced by Harper, et al.

MOTIONS

Senator Hazelbaker moved that the President be authorized to appoint a free conference committee to confer on HB 400. Motion carried.

The President appointed the following members:

Senator Marbut, Chairman
Senator Tveit
Senator Regan

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 739. Motion carried.

The President appointed the following members:

Senator Elliott, Chairman
Senator Crippen
Senator Eck

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 745. Motion carried.

The President appointed the following members:

Senator Kolstad, Chairman
Senator Lee
Senator Norman

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 885. Motion carried.

The President appointed the following members:

Senator Aklestad, Chairman

Senator Kolstad
Senator Towe

Senator Hazelbaker moved that the President be authorized to appoint a free conference committee to confer on HB 897. Motion carried.

The President appointed the following members:

Senator Ochsner, Chairman
Senator Galt
Senator D. Manning

Senator Hazelbaker moved that the President be authorized to appoint a conference committee to confer on Senate amendments to HB 908. Motion carried.

The President appointed the following members:

Senator Galt, Chairman
Senator Lee
Senator Blaylock

FIRST READING OF BILLS

The following House bills were introduced, read first time, and referred to committees:

HB 927, introduced by Bardanouve. Referred to Committee on Rules.
HJR 4, introduced by Nordtvedt. Referred to Committee on State Administration.
HJR 44, introduced by Ramirez, Marks, Bardanouve, J. Hammond, Mueller, Bliss, Phillips, Pistoria, Holliday, Eudaily, Donaldson, Koehnke, Brand. Referred to Committee on State Administration.
HJR 46, introduced by Harper, Harp, Hart. Referred to Committee on State Administration.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 429, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Towe, Turnage.
Total 2

Absent or not voting: Thomas.
Total 1

SB 452, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Towe, Turnage.
Total 2

Absent or not voting: Thomas.
Total 1

HB 23 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Tveit, Van Valkenburg, Mr. President.
Total 39

Noes: Aklestad, Elliott, Galt, Goodover, Hammond, Keating, Shaw, Story.
Total 8

Excused: Towe, Turnage.
Total 2

Absent or not voting: Thomas.
Total 1

HB 558 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Aklestad, Shaw.
Total 2

Excused: Towe, Turnage.
Total 2

Absent or not voting: Thomas.
Total 1

HB 668 concurred in as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Aklestad, Boylan, Elliott, Goodover, Hammond, Shaw.
Total 6

Excused: Towe, Turnage.
Total 2

Absent or not voting: Thomas.
Total 1

HB 899 concurred in as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: Towe, Turnage.
Total 2

Absent or not voting: Blaylock, Thomas.
Total 2

HJR 38 concurred in as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: Stimatz.
Total 1

Excused: Towe, Turnage.
Total 2

Absent or not voting: Blaylock, Thomas.
Total 2

HB 846, conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Dover, Keating, Marbut.
Total 3

Excused: Towe, Turnage.
Total 2

Absent or not voting: Blaylock, Thomas.

Total 2

HB 225, conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Towe, Turnage.
Total 2

Absent or not voting: Thomas.
Total 1

HB 281, conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Towe, Turnage.
Total 2

Absent or not voting: Thomas.
Total 1

SB 186, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Goodover, Shaw.
Total 2

Excused: Towe, Turnage.
Total 2

Absent or not voting: Blaylock, Thomas.
Total 2

HB 83, Governor's amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Towe, Turnage.
Total 2

Absent or not voting: Thomas.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

Senator Brown excused at 2:05 p.m.

MOTIONS

Senator Hazelbaker moved that the President be authorized to dissolve the conference committee on Senate amendments to HB 742 and that he be authorized to appoint a free conference committee. Motion carried.

The President appointed the following members:

Senator McCallum, Chairman
Senator Hager
Senator Lynch

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Hager in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 171 - That HB 171 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Ochsner.
Total 1

Excused: Brown, Towe, Turnage.
Total 3

Absent or not voting: None.
Total 0

SB 40 - That the free conference committee report on SB 40 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Brown, Towe, Turnage.
Total 3

Absent or not voting: None.
Total 0

SB 439 - That the free conference committee report on SB 439 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Brown, Towe, Turnage.
Total 3

Absent or not voting: None.
Total 0

HB 47 - That the free conference committee report on HB 47 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Brown, Towe, Turnage.
Total 3

Absent or not voting: None.
Total 0

HB 299 - That the free conference committee report on HB 299 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: Brown, Towe, Turnage.
Total 3

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Hager moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Dover moved that the Senate reconsider its action in concurring in House amendments to SB 452 on third reading this legislative day. Motion carried as follows:

Ayes: Aklestad, Boylan, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, D. Manning, Marbut, McCallum, Ochsner, Severson, Smith, Story, Turnage, Tveit, Mr. President.
Total 27

Noes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 22

Paired: Aklestad, Brown, Hazelbaker, Turnage, Ayes; Blaylock, Mohar, Regan, Towe, Noes.

Excused: None.
Total 0

Absent or not voting: Shaw.
Total 1

Senator Dover moved that SB 452 be referred to the Committee on Rules. Motion carried unanimously.

Senator Elliott moved that the President be authorized to dissolve the conference committee on Senate amendments to HB 100 and that a free conference committee be appointed. Motion carried.

The President appointed the following members:

Senator Elliott, Chairman
Senator Dover
Senator Van Valkenburg

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Senate recessed at 2:08 p.m. subject to the call of the Chair.

Senate resumed at 2:32 p.m.

Senate recessed at 2:33 p.m. until the hour of 3:30 p.m.

Senate resumed at 3:30 p.m.

Senators Towe and Turnage present at this time.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly enrolled: SB 247, SB 342, SJR 14, SJR 25.
Examined by the sponsor (Brown) and found to be correct: SB 247.
Examined by the sponsor (Gage) and found to be correct: SB 342.
Examined by the sponsor (Marbut) and found to be correct: SJR 25.
Examined by the sponsor (Norman) and found to be correct: SJR 14.
Signed by the President at 10:00 a.m., 4/19/83: SB 247, SB 342, SJR 14, SJR 25.

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
Respectfully report as follows:

That the following attache of the Senate be terminated as of 5:00 p.m. on Monday, April 18, 1983:

Lita C. Buck ..... Steno

Report adopted.

RULES (Hazelbaker, Chairman):
Recommend that the Senate suspend the rules so that HB 833 may be accepted by the Senate.

FINANCE AND CLAIMS (Himsl, Chairman):
HB 909, third reading copy, be amended as follows:

1. Title, lines 4 and 5.
Following: ""AN ACT"
Strike: "CREATING A SELECT COMMITTEE OF THE LEGISLATURE TO"
Insert: "REQUIRING THE GOVERNOR OR HIS DESIGNEE TO STUDY AND"

2. Title, lines 7 and 8.
Strike: "PROVIDING" on line 7 through the second "COMMITTEE;" on line 8

3. Pages 1 and 2.
Following: "1." on line 12 on page 1
Strike: remainder of line 12 on page 1 through line 8 on page 2
Insert: "Study on developmental disabilities services. The governor or his designee shall conduct a study of and propose a long-range plan for the delivery of services to persons with developmental disabilities. The governor or his designee shall solicit comments from the general public and especially from residents of communities where developmental disability services are provided by the state."

4. Page 2, lines 9 and 10.
Following: "Section 2."
Strike: "Committee duties. The select committee on developmental disabilities services"
Insert: "Study areas. The governor or his designee"

5. Page 3, lines 4 through 7.
Strike: lines 4 through 7 in their entirety
Renumber: subsequent subsections

6. Page 4, line 3.
Strike: "(7)"
Insert: "(6)"

7. Page 4, line 4.
Following: "legislators,"
Insert: "the general public, architects and design experts,"

8. Page 4, line 6.
Strike: "its final"
Insert: "preliminary"

9. Page 4, line 7.
Strike: "its findings and"
Insert: "final"

10. Pages 4 and 5.
Strike: sections 3 through 6 in their entirety
Renumber: subsequent section

And, as amended, be concurred in. Report adopted.

HB 928, third reading copy, be amended as follows:

1. Page 2, line 4.
Following: "period"
Insert: ", except that a grantee may accumulate grant payments"

2. Page 5, line 13.
Strike: "through"
Insert: "Thru"

3. Page 6, line 9.
Following: line 9
Insert: "Livingston Paradise Project 12,000."

And, as amended, be concurred in. Report adopted.

HJR 9, be concurred in. Report adopted.

MOTIONS

Senator Hazelbaker moved that the rules be temporarily suspended in order to accept HB 833. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 45

Noes: None.

Total 0

Excused: Brown.
Total 1

Absent or not voting: Aklestad, Daniels, Gage, Lynch.
Total 4

Senator Hazelbaker moved that the President be authorized to dissolve the conference committee on Senate amendments to HB 656 and that he be authorized to appoint a free conference committee. Motion carried.

The President appointed the following members:

Senator Goodover, Chairman
Senator Turnage
Senator Graham

Senator Hazelbaker moved that the President be authorized to appoint a free conference committee to confer on HB 447. Motion carried.

The President appointed the following members:

Senator Aklestad, Chairman
Senator Keating
Senator Regan

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

FINANCE AND CLAIMS (Himsl, Chairman):
HB 833, third reading copy, be amended as follows:

1. Page 13, line 17.
Strike: "300,000"
Insert: "41,000"

And, as amended, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on HB 118
Report No. 1, April 18, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 118, met April 18, 1983, and considered the amendments of the following committees:

Senate Committee on Agriculture, Livestock and Irrigation (3/18/83)

We recommend that:

The Senate recede from Standing Committee amendments.

HB 118 be further amended as indicated in the clerical instructions.

The reference copy of HB 118 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 118 be adopted.

Clerical Instructions:

1. Title, line 7.

Following: ";"
Insert: "Providing for a loan and repayment;"

2. Page 1, line 15.
Strike: "$35"
Insert: "$48"

3. Page 2, line 20.
Following: line 19
Insert: "NEW SECTION. Section 3. General fund loan. There is authorized from the general fund to the Department of Health and Environmental Science a loan of up to $50,000 to be used for continuing the function of subdivision review for fiscal year 1984. The loan must be repaid to the general fund no later than June 30, 1984."
Renumber: subsequent section

For the Senate:

Senator McCallum, Chairman
Senator Hammond
Senator Boylan

For the House:

Representative Harper, Chairman
Representative Shontz
Representative Donaldson

Free Conference Committee
on HB 776
Report No. 1, April 18, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 776, met April 18, 1983, and considered the amendments of the following committees:

Senate Committee on State Administration (3/15/83)

Senate Committee of the Whole (3/17/83)

We recommend that:

The House accede to all Senate amendments.

HB 776 be further amended as indicated in clerical instructions 1 and 2.

The reference copy of HB 776 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 776 be adopted.

Clerical Instructions:

1. Page 6, line 11.
Following: "consists of"
Strike: "seven"
Insert: "nine"

2. Page 7, line 3.
Following: line 2
Strike: "(g) one member of the Montana league of cities and towns;

(h) one person representing the general public; and"
Renumber: subsequent subsection

For the Senate:

Senator Lee, Chairman

For the House:

Representative Shontz, Chairman

Senator Etchart
Senator Stimatz

Representative Schye
Representative Ramirez

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

RULES (Hazelbaker, Chairman):

Respectfully report that the amendment to SB 452 is not in accordance with the Joint Rules and the Committee recommends that the bill be returned to the House. Report adopted.

Respectfully report that HB 926 and HB 927 be not accepted by the Senate inasmuch as the bills do not comply with the Joint Rules. Report adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Conference committee on Senate amendments to HB 908 will meet at 8:15 a.m. on Wednesday, April 20, 1983 in Room 311.

Conference committee on Senate amendments to HB 312 will meet at 3:30 p.m. or on adjournment on Wednesday, April 20, 1983 in Room 108.

Conference committee on Senate amendments to HB 451 will meet at 4:00 p.m. this day in the President's office.

Free conference committee on HB 897 will meet upon recess on Wednesday, April 20, 1983 in Room 311.

Free Conference committee on HB 447 will meet at 4:00 p.m. this day in Room 104.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 3:39 p.m., until Wednesday, April 20, 1983, at the hour of 9:00 a.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

EIGHTY-NINTH LEGISLATIVE DAY

Helena, Montana
April 20, 1983

Senate Chambers
State Capitol

Senate convened at 9:01 a.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the eighty-eighth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

COMMITTEES (Galt, Chairman):
We hereby appoint to the Capitol Building and Planning Committee the following members:

Pat M. Goodover
J. Donald Ochsner
Pete Story
Chet Blaylock
Max Conover
Carroll Graham

Hereby appoint to the Coal Tax Oversight Subcommittee of the Revenue Oversight Committee upon the passage and approval of HB 103 the following members:

Delwyn Gage
B. F. "Chris" Christiaens

Hereby appoint to the Western States Legislative Forestry Task Force Committee the following member:

Leo Lane

Hereby appoint to the Legislative Finance Committee the following members:

Roger H. Elliott
George McCallum
Ed B. Smith
Jack Haffey
Pat Regan
Fred Van Valkenburg

Hereby appoint to the Audit Committee the following member:

John "J.D." Lynch to replace Joseph P. Mazurek

And hereby appoint to the Revenue Oversight Committee the following members:

Bob Brown
Bruce D. Crippen
Jean A. Turnage
Joseph P. Mazurek
Bill Norman
Thomas E. Towe

Report adopted.

NATURAL RESOURCES (Dover, Chairman):
HJR 40, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on HB 606
Report No. 1, April 18, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 606, met April 18, 1983, and considered the amendments of the following committees:

Senate Committee on Highways and Transportation (3/16/83)

Senate Committee of the Whole (3/21/83)

Senate Committee of the Whole (3/23/83)

We recommend that:

The House accede to Standing Committee amendments 2 and 4.

The Senate recede from Standing Committee amendments 1, 3, and 5.

The Senate recede from all Senate Committee of the Whole amendments.

HB 606 be further amended as indicated in clerical instructions 1 and 2.

The reference copy of HB 606 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 606 be adopted.

Clerical Instructions:

1. Page 2, line 21.
Strike: subsection (3) in its entirety

2. Page 4, line 12.
Following: "~~$35~~"
Strike: remainder of line 12 through line 21 in their entirety

For the Senate:

Senator Lee, Chairman
Senator Etchart
Senator Blaylock

For the House:

Representative Koehnke, Chairman
Representative Hammond
Representative Jensen

Conference Committee
on SB 317
Report No. 1, April 19, 1983

Mr. President and Speaker of the House:

We, your conference committee on SB 317, met April 19, 1983, and considered the amendments of the following committees:

House Committee on Agriculture, Livestock and Irrigation (3/14/83)

We recommend that:

The House recede from all Standing Committee amendments.

SB 317 be further amended as indicated in clerical instructions 1 through 3.

The reference copy of SB 317 be amended to read as specified in the clerical instructions.

The conference committee report on SB 317 be adopted.

Clerical Instructions:

1. Page 17, line 7.
Following: "(4)"

Strike: "may"
Insert: "shall"

2. Page 17, line 8.
Following: "communication"
Strike: "not to exceed $1500 in cost per year"

3. Page 17, line 7.
Following: "use"
Insert: "any"

For the Senate:

Senator Kolstad, Chairman
Senator Lee
Senator Blaylock

For the House:

Representative Jacobsen, Chairman
Representative Manuel
Representative Ernst

Free Conference Committee
on SB 401
Report No. 1, April 18, 1983

Mr. President and Speaker of the House:

We, your free conference committee on SB 401, met April 18, 1983, and considered the amendments of the following committees:

House Committee on Agriculture, Livestock and Irrigation (3/18/83)

House Committee of the Whole (3/22/83)

We recommend that:

The Senate accede to Standing Committee amendments 1 through 4 and 6 through 10.

The House recede from Standing Committee amendment 5.

The Senate accede to House Committee of the Whole amendment.

SB 401 be further amended as indicated in clerical instruction 1.

The reference copy of SB 401 be amended to read as specified in the clerical instructions.

The free conference committee report on SB 401 be adopted.

Clerical Instructions:

1. Page 2, line 6.
Following: "Recordation."
Strike: subsection (1) in its entirety
Insert: "(1) The parties to a transfer of a water right or their agents or representatives shall record with the county clerk and recorder a water right transfer certificate.

(2) Except in the case of a transfer of real property served by a public service water supply, when any person presents for recording a deed or other instrument evidencing a transfer of real property, the realty transfer certificate shall note whether or not the transfer includes a transfer of water rights. If the realty transfer certificate notes a transfer of water rights, the clerk and recorder shall provide such person the form prescribed in this act for the transfer of water rights. The recording of the deed or other instrument shall not be delayed because of the transfer of the water rights."

For the Senate:

For the House:

Senator Hager, Chairman
Senator Turnage
Senator Boylan

Representative Spaeth, Chairman
Representative Hanson
Representative Harper

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

April 19, 1983

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 107, 190, 298, 443, 446.

Sincerely,

Ted Schwinden
Governor

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

April 19, 1983

The Honorable Daniel Kemmis
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Stephens and Representative Kemmis:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill No. 159, "AN ACT TO REDUCE THE OIL SEVERANCE TAX TO 5 PERCENT BEGINNING APRIL 1, 1985; AMENDING SECTION 15-36-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE," without my signature and recommend the attached amendments for the following reasons.

Senate Bill No. 159, as passed, reduces the oil severance tax to 5 percent beginning April 1, 1985. Because of the uncertainties surrounding state revenues, it is not prudent to enact a major tax change in the next biennium. House Bill No. 418 allocates one-third of the oil severance tax revenue to local governments. Local governments, as well as state government, will depend upon this revenue to provide essential services to citizens. The amendments I am proposing will allow the 1985 Legislature the flexibility to re-evaluate the tax reduction provided in Senate Bill No. 159.

I urge your concurrence in these amendments.

Governor's Proposed Amendments
to SB 159

1. Title, line 8.
Following: "April 1,"
Strike: "1985"
Insert: "1987"

2. Page 2, lines 2 through 8.

Following: "(a)" on line 2
Strike: remainder of line 2 through "1983;" on line 8

3. Page 2, line 12.
Following: "31,"
Strike: "1985"
Insert: "1987"

Sincerely,

Ted Schwinden
Governor

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

April 19, 1983

The Honorable Daniel Kemmis
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Stephens and Representative Kemmis:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill No. 335, "AN ACT TO DISALLOW DEDUCTIONS RELATED TO EXCLUDED INTEREST INCOME FOR MONTANA CORPORATION LICENSE TAX PURPOSES; TO APPLY THE DISALLOWANCE OF DEDUCTION RETROACTIVELY TO ALL TAXABLE PERIODS DURING WHICH SUCH INCOME IS EXCLUDED FROM GROSS INCOME; PROHIBITING CONSOLIDATED RETURNS FOR FINANCIAL INSTITUTIONS UNDER THE CORPORATE LICENSE TAX; REAFFIRMING THE INCLUSION OF STATE AND LOCAL BOND INCOME IN THE DEFINITION OF NET INCOME FOR CORPORATION LICENSE TAX PURPOSES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND APPLICABILITY DATES," without my signature and recommend the attached amendments for the following reasons.

Senate Bill No. 335, as passed, could result in virtually exempting banks and other financial institutions from state taxation. To exempt one type of business from taxation would create an unfair burden on all other taxpayers. Accordingly, I am returning Senate Bill No. 335 with amendments guaranteeing that banks and savings and loan associations pay a reasonable amount of taxes.

The need for Senate Bill No. 335 was judicially created. A recent Montana Supreme Court decision has created the potential for nearly $9 million in tax refunds to banks and other financial institutions and a minimal tax burden for these businesses for future years. The state has petitioned the U.S. Supreme Court to review the case. A successful appeal to the Supreme Court would reestablish a firm legal basis for taxing financial institutions.

Unfortunately, Senate Bill No. 335, as passed, threatens to render moot the state's efforts to secure a hearing with the U.S. Supreme Court. Because of the immediate effective date and retroactive application of the tax formula in Section 1 of Senate Bill No. 335, the Court could decide not to hear the state's petition. After years of legal controversy concerning

bank taxation, the state cannot afford to negate its own efforts to have the controversy resolved by the U.S. Supreme Court. For this reason, I am recommending an amendment making the tax formula in Section 1 of the bill effective only when the state has exhausted all of its pending appeals concerning bank taxation.

The tax formula in this bill is itself subject to serious legal challenge; indeed, corporations have threatened suits against the formula as soon as the law becomes effective. If the tax formula were to be ruled invalid, then state and local governments would be left again with virtually no effective tax on banks and savings and loan associations. A contingent form of taxation should be established as "insurance" against successful legal challenges to the tax formula in Senate Bill No. 335.

I recommend that the "insurance" take the form of a financial institutions franchise tax measured by deposits. The tax would be effective if, and only if, the tax formula in Senate Bill No. 335 were ruled unconstitutional; if made effective, this tax would provide a stable and easy to administer method of taxing financial institutions.

The amendments I am proposing to Senate Bill No. 335 should assure that banks and other financial institutions will contribute a reasonable amount to the support of state and local governments in Montana. Without these amendments, the bill could result in the loss of the state's pending appeal to the U.S. Supreme Court and in the establishment of a nearly tax-free status for banks and other financial institutions.

I urge your concurrence in these amendments.

Governor's Proposed Amendments
to SB 335

1. Title, line 10.
Following: "PURPOSES;"
Insert: "TO IMPOSE A CONTINGENT FINANCIAL INSTITUTIONS FRANCHISE TAX MEASURED BY DEPOSITS;"

2. Title, line 16.
Following: "PURPOSES;"
Insert: "AMENDING SECTIONS 15-31-101, 15-31-701; AND 15-31-702, MCA;"

3. Title, line 16.
Following: "PROVIDING"
Strike: "AN IMMEDIATE"

4. Title, line 17.
Following: "EFFECTIVE"
Strike: "DATE"
Insert: "DATES"

5. Page 5, line 6.
Following: line 5
Insert: "<u>NEW SECTION.</u> Section 4. Purpose. It is the intent of this act that every bank and savings and loan association doing business within the state as a corporation or association within the provisions of 15-31-101 shall annually pay to the state treasurer a financial institutions franchise tax for the privilege of conducting business in this state in corporate form. Since financial institutions possess proportionately greater amounts of intangible assets which

are not subject to property tax compared to nonfinancial corporations, it is the intent of the Legislature to equalize overall tax burdens within the state, as well as the total tax burden between financial institutions and other corporations by enacting this tax.

NEW SECTION. Section 5. Definitions. As used in this part, the following definitions apply:

(1) (a) Except as provided in subsection (b), "total deposits" means the average total deposits for a taxable period of a bank or savings and loan association as reported to state or federal regulators on the consolidated report of condition in which are exhibited in detail and under appropriate schedules, the resources and liabilities of a bank or savings and loan association on those past days designated by the comptroller of currency of the United States for reports of national banking associations or for banks required to report to the department of commerce on those past days specified in 32-1-231.

(b) Total deposits include all demand deposits and time deposits, including but not limited to those deposits that are insured by the federal savings and loan insurance corporation and federal deposit insurance corporation, except deposits of the United States government or its agencies or for the state of Montana or its agencies or political subdivision.

(2) "Taxable period" means the taxable year for federal income tax purposes of the bank or savings and loan association.

NEW SECTION. Section 6. Tax imposed — rate — exceptions. (1) There is imposed upon every bank and savings and loan association for each taxable period a financial institutions franchise tax at the rate of .09% of total deposits.

(2) When a bank or savings and loan association changes its taxable periods, it must promptly notify the department of revenue.

(3) To the extent that a bank or savings and loan association is a branch of a foreign bank or savings and loan association, this section applies only to the total deposits received by the Montana branch or operation.

(4) The rate of tax imposed under this section may not be less than 0.075% nor more than 0.125% of total deposits without approval of two-thirds of each house of the legislature.

NEW SECTION. Section 7. Incorporation by reference. The provisions of the following sections of this chapter are incorporated into this part by reference and are made a part hereof: sections 15-31-101, 15-31-102, 15-31-111, 15-31-123, 15-31-142, 15-31-143, 15-31-501 through 15-31-509, 15-31-521 through 15-31-544, and 15-31-551 through 15-31-554, except that wherever the words "tax", "license tax", "license fee", "corporation excise tax", or like words appear, referring to the tax imposed under part 1 of this chapter, there shall be substituted the words "financial institutions franchise tax", and except that wherever the words "net income", "taxable income", "taxable net income", or like words appear, referring to the basis against which the measure of the license tax computation is made, there shall be substituted the words "total deposits".

Section 8. Section 15-31-101, MCA, is amended to read:

"15-31-101. Organizations subject to tax. (1) The term "corporation" includes associations, joint-stock companies, common-law trusts and business trusts which do business in an organized capacity, and all other corporations whether created, organized, or existing under and pursuant to the laws, agreements, or declarations of trust of any state, country, or the United States.

(2) The terms "engaged in business" and "doing business" both mean actively engaging in any transaction for the purpose of financial or pecuniary gain or profit.

(3) Every corporation, except as hereinafter provided and except as provided in 33-2-705(6), engaged in business in the state of Montana shall annually pay to the state treasurer as a license fee for the privilege of carrying on business in this state such percentage or percentages of its total net income for the preceding taxable year at the rate hereinafter set forth. In the case of corporations having income from business activity which is taxable both within and without this state, the license fee shall be measured by the net income derived from or attributable to Montana sources as determined under part 3.

This tax is due and payable on the 15th day of the 5th month following the close of the taxable year of the corporation; however, the tax becomes a lien as provided in this chapter on the last day of the taxable year in which the income was earned and is for the privilege of carrying on business in this state for the taxable year in which the income was earned.

(4) Every bank organized under the laws of the state of Montana, of any other state, or of the United States and every savings and loan association organized under the laws of this state or of the United States is subject to the Montana ~~corporation license~~ financial institutions franchise tax provided for under this chapter in lieu of the corporate license tax. For taxable years beginning on and after January 1, 1972, this subsection is effective in accordance with Public Law 91-156, Section 2 (12 U.S.C. 548)."

NEW SECTION. Section 9. Disposition of revenue. The revenue collected from the tax imposed by this part must be disbursed in accordance with 15-31-701 and 15-31-702.

Section 10. Section 15-31-701, MCA, is amended to read:

"15-31-701. Department of revenue — special duties for transmitting ~~corporation license tax~~ financial institutions franchise tax revenues collected from banks or savings and loan associations to counties. (1) Within 30 days after receiving ~~corporation license~~ financial institutions franchise tax returns and payments from banks or savings and loan associations, the department of revenue shall transmit to the county treasurer of the county in which the business is located the revenues calculated under 15-31-702(1)(b).

(2) If the department of revenue determines, under the provisions of 15-31-503 and 15-31-531, that a bank or savings and loan association owes more taxes than shown on the original return or has paid more than the tax, penalty, or interest due in any year, it shall notify the bank or savings and loan association. Additional payment is due within 10 days after receipt of the final determination of taxes due. County treasurers shall issue warrants for their portion of the overpayment received and interest, as provided in 15-31-531.

(3) The department shall continue to exercise all its duties and powers outlined in this title with respect to auditing returns and enforcing payment of the ~~corporation license~~ financial institutions franchise taxes owed by banks and savings and loan associations. Any delinquent taxes collected from the sale of property of a bank or savings and loan association under the provisions of 15-31-525 shall be transmitted to the county in which the corporation owing the delinquent taxes is located. The only duties of the county treasurers in this regard are issuing refunds and distributing the taxes to local taxing jurisdictions."

Section 11. Section 15-31-702, MCA, is amended to read:

"15-31-702. Distributions of ~~corporation license~~ financial institutions franchise taxes collected from banks or savings and loan associations. (1) All ~~corporation license~~ financial institutions franchise taxes collected from banks and savings and loan associations shall be distributed in the following manner:

(a) 20% must be remitted to the state treasurer to be allocated as provided in 15-1-501(2); and

(b) 80% must be allocated to the various taxing jurisdictions within the county in which the bank or savings and loan association is located.

(2) The ~~corporation license~~ financial institutions franchise taxes distributed under subsection (1)(b) shall be allocated to each taxing jurisdiction in the proportion that its mill levy for that fiscal year bears to the total mill levy of the taxing authorities of the district in which the bank or savings and loan association is located.

(3) "Taxing jurisdictions" means, for the purposes of this section, all taxing authorities within a county permitted under state law to levy mills against the taxable value of property in the taxing district in which the bank or savings and loan association is located.

(4) If a return filed by a bank or savings and loan association involves branches or offices in more than one taxing jurisdiction, the department of revenue shall provide a method by rule for equitable distribution among those taxing jurisdictions.""

Renumber: subsequent sections

6. Page 5, line 7.
Following: "THROUGH"
Strike: "3"
Insert: "7 and section 9"

7. Page 5, lines 15 through 25.
Strike: section 6 in its entirety
Insert: "Section 14. Contingent effective dates — applicability dates. (1) Section 1 is effective if and only if a final determination is reached in current pending litigation, and all potential appeals are exhausted or barred, that the interest income from certain federal obligations is not includable in the net income measurement base of the Montana corporation license tax. If section 1 becomes effective it applies retroactively, within the meaning of 1-2-109, to taxable periods beginning on and after December 31, 1978 (the effective date of Chapter 634, Laws of 1979), for which a corporation has excluded interest income based upon federal law or for which a corporation has included interest income and subsequently claims a refund of taxes paid based upon federal law.

(2) Sections 2 and 3 are effective on passage and approval. Section 2 applies to taxable periods beginning after December 31, 1982. Section 3 applies retroactively, within the meaning of 1-2-109, to taxable periods beginning after December 31, 1978.

(3) Sections 4 through 11 are effective if and only if the method of calculating the measure of the tax provided for in section 1 is finally held to be unconstitutional or invalid. If section 1 is finally held to be unconstitutional or invalid, sections 4 through 11 apply to taxable periods beginning January 1 of the calendar year in which section 1 is finally held unconstitutional or invalid."

Sincerely,

Ted Schwinden
Governor

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

April 19, 1983

The Honorable Daniel Kemmis
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Stephens and Representative Kemmis:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return House Bill No. 747, "AN ACT CLARIFYING ADMINISTRATION AND REPORTING REQUIREMENTS RELATED TO THE PRIVILEGE TAX FOR POSSESSION OR BENEFICIAL USE BY A PRIVATE INDIVIDUAL, ASSOCIATION, OR CORPORATION OF PROPERTY WHICH FOR ANY REASON IS EXEMPT FROM TAXATION; PROVIDING EXEMPTIONS; AMENDING SECTIONS 15-23-101 AND 15-24-1203, MCA; AND PROVIDING AN APPLICABILITY DATE," without my signature and recommend the attached amendments for the following reasons.

House Bill No. 747, as passed, does not contain a severability clause. At the request of Representative Marks, I am proposing to include a severability clause into House Bill No. 747, in order to protect all valid parts of the bill, should a court for any reason hold that any part is invalid.

I urge your concurrence in this amendment.

Governor's Proposed Amendments
to HB 747

1. Title, line 11
Following: "PROVIDING"
Insert: "A SEVERABILITY CLAUSE AND"

2. Page 4, line 16.
Following: line 16
Insert: "NEW SECTION. Section 6. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications."

Renumber: subsequent section

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House, on 4/19/83, dissolved the conference committee on HB 742 and appointed a free conference committee to meet with a like committee from the Senate to confer on HB 742.

The Speaker appointed the following members:

Representative O'Connell, Chairman
Representative Hand
Representative Kitselman

MOTIONS

Senator Mazurek moved that HJR 41 be taken from the Committee on Labor and Employment Relations and that it be referred to the Committee on Legislative Administration. Motion carried unanimously.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 171 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Crippen, Daniels, Dover, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Aklestad, Elliott, Hammond, Ochsner.
Total 4

Excused: None.
Total 0

Absent or not voting: Christiaens, Conover, Eck, Jacobson, Thomas.
Total 5

HJR 19, conference committee report, adopted as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Aklestad, Goodover, Shaw.
Total 3

Excused: None.
Total 0

Absent or not voting: Christiaens, Eck, Jacobson, Thomas.
Total 4

SB 40, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Christiaens, Eck, Jacobson, Thomas.
Total 4

SB 235, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Christiaens, Eck, Jacobson, Thomas.
Total 4

SB 439, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Christiaens, Eck, Jacobson, Thomas.
Total 4

HB 47, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover,

Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Eck, Thomas.
Total 2

HB 299, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Stimatz, Thomas.
Total 2

HB 335, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Boylan, Keating.
Total 2

Excused: None.
Total 0

Absent or not voting: Thomas.
Total 1

HB 581, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan,

Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Thomas.
Total 1

HB 720, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Thomas.
Total 1

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Berg in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 833 - That HB 833, third reading copy, be amended as follows:

1. Strike: amendment 1

Amendment passed as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, Mohar, Norman, Regan, Stimatz, Story, Towe, Turnage, Van Valkenburg.
Total 27

Noes: Aklestad, Boylan, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, McCallum, Ochsner, Severson, Shaw, Smith, Thomas, Tveit, Mr. President.
Total 22

Excused: None.
Total 0

Absent or not voting: D. Manning.
Total 1

That HB 833, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Galt, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 42

Noes: Elliott, Gage, Goodover, Hammond, Shaw, Tveit.
Total 6

Excused: None.
Total 0

Absent or not voting: Lynch, Smith.
Total 2

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on SB 312
Report No. 1, April 19, 1983

Mr. President and Speaker of the House:

We, your free conference committee on SB 312, met April 19, 1983, and considered the amendments of the following committees:

House Committee of the Whole (undated)

House Committee of the Whole (4/12/83)

We recommend that:

The Senate accede to Committee of the Whole amendments 1, 2, and 3, undated.

The House recede from Committee of the Whole amendment 1 of 4/12/83.

SB 312 be further amended as indicated in clerical instructions 1 through 3.

The reference copy of SB 312 be amended to read as specified in the clerical instructions.

The free conference committee report on SB 312 be adopted.

Clerical Instructions:

1. Title, line 9.
Following: "19-4-202,"
Strike: "AND"
Following: "37-1-133,"
Insert: "85-7-1505, AND 85-7-1613,"

2. Page 3, line 10.

Following: "duties"
Strike: remainder of line 10 through "DUTIES" on line 15

3. Page 5.
Following: line 7
Insert: "Section 5. Section 85-7-1505, MCA, is amended to read:

"85-7-1505. Compensation and expenses of commissioners. The commissioners, when sitting as a board or when engaged in the business of the district, are entitled to compensation ~~for board members as provided in 2-15-124~~ of $25 for each day they are actually and necessarily engaged in the performance of irrigation district duties and to reimbursement for travel expenses as provided in 2-18-501 through 2-18-503, and for their necessary expenses when otherwise engaged on district business, including premiums on qualifying bonds and any other bonds required of them in connection with their office."

Section 6. Section 85-7-1613, MCA, is amended to read:

"85-7-1613. Board of control — per diem and expenses. The members of the board of control, when sitting as a board or when engaged in the business of the board, are entitled to compensation ~~for board members as provided in 2-15-124~~ of $25 for each day they are actually and necessarily engaged in the performance of irrigation district duties and to reimbursement for travel expenses as provided in 2-18-501 through 2-18-503, and for their necessary expenses.""
Renumber: subsequent section

For the Senate:

Senator Himsl, Chairman
Senator Hazelbaker
Senator Jacobson

For the House:

Representative Waldron, Chairman
Representative Metcalf
Representative Switzer

Free Conference Committee
on HB 540
Report No. 1, April 19, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 540, met April 19, 1983, and considered the amendments of the following committees:

Senate Committee on Judiciary (3/25/83)

Senate Committee of the Whole, five sets (3/28/83)

We recommend that:

The Senate recede from Standing Committee amendment 1.

The House accede to Standing Committee amendments 2 through 14.

The House accede to Committee of the Whole amendments 1 through 4 of the first set, 1 of the second set, 1 through 6 of the third set, and 1 of the fifth set.

The Senate recede from Committee of the Whole amendments 2 of the second set and 1 of the fourth set.

HB 540 be further amended as indicated in the clerical instructions.

The reference copy of HB 540 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 540 be adopted.

Clerical Instructions:

1. Title, line 10.
Following: "SECTIONS"
Insert: "61-5-205, 61-5-208,"
Following: "61-8-101"
Strike: "AND"
Insert: ","

2. Title, line 11.
Following: "61-8-404,"
Insert: "AND 61-11-203,"
Following: "MCA"
Strike: "; AND" through "DATE" on line 12

3. Page 1.
Following: enacting clause
Insert: "Section 1. Section 61-5-205, MCA, is amended to read:

"61-5-205. Mandatory revocation of license upon proper authority. The division upon proper authority shall revoke the license or operating privilege of any operator or chauffeur upon receiving a record of such operator's or chauffeur's conviction or forfeiture of bail not vacated of any of the following offenses, when such conviction or forfeiture has become final:

(1) negligent homicide resulting from the operation of a motor vehicle;

(2) driving a motor vehicle while under the influence of alcohol or narcotic drug, or willfully or knowingly under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle, or a combination thereof except as provided in 61-5-208, or operation of a motor vehicle by a person with a blood alcohol concentration of 0.10 or more;

(3) any felony in the commission of which a motor vehicle is used;

(4) failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;

(5) perjury or the making of a false affidavit or statement under oath to the division under this chapter or under any other law relating to the ownership or operation of motor vehicles;

(6) conviction or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months."

Section 2. Section 61-5-208, MCA, is amended to read:

"61-5-208. Period of suspension or revocation. (1) The division may not suspend or revoke a driver's license or privilege to drive a motor vehicle on the public highways for a period of more than 1 year, except as permitted under 61-5-207, 61-5-212, 61-6-123, and 61-11-211.

(2) Any person whose license or privilege to drive a motor vehicle on the public highways has been suspended or revoked is not entitled to have such license or privilege renewed or restored unless the revocation was for a cause which has been removed, except that

after the expiration of the period of such revocation or suspension, the person may make application for a new license as provided by law but the division may not then issue a new license unless and until it is satisfied after investigation of character, habits, and driving ability of the person that it is safe to grant the privilege of driving a motor vehicle on the public highways. When any person is convicted or forfeits bail or collateral not vacated for the offense of operating or being in actual physical control of a motor vehicle while under the influence of alcohol or a narcotic drug or knowingly or willingly under the influence of any other drug to a degree which renders him incapable of safely driving a motor vehicle, or a combination thereof, or for the offense of operation of a motor vehicle by a person with alcohol concentration of 0.10 or more, the division shall, upon receiving a report of such conviction or forfeiture of bail or collateral not vacated, suspend the license or driving privilege of the person for a period of 6 months. Upon receiving a report of a conviction or forfeiture of bail or collateral for a second, third, or subsequent offense within 5 years of the first offense, the division shall revoke the license or driving privilege of the person for a period of 1 year.

(3) The period for all revocations made mandatory by 61-5-205 shall be 1 year except as provided in subsection (2) of this section.

(4) The period of revocation for any person convicted of any offense which makes mandatory the revocation of the operator's or chauffeur's license commences from date of conviction or forfeiture of bail.""

Renumber: subsequent sections

4. Page 1, lines 20 and 21.
Strike: "WITH" through "OWNER"

5. Page 3, line 22.
Strike: "61-8-714"
Insert: "[section 11]"

6. Page 6, line 17.
Following: "61-8-714"
Insert: ", [section 4], [section 6], [section 11],"

7. Page 6, line 19.
Following: "~~subsections~~"
Insert: "[section 4], and"

8. Page 7, line 1.
Strike: "2"
Insert: "4"

9. Page 7, line 3.
Strike: "2"
Insert: "4"

10. Page 7, line 4.
Strike: "2"
Insert: "4"

11. Page 7, line 7.
Strike: "2"
Insert: "4"

12. Page 10, line 5.

Strike: "2"
Insert: "4"

13. Page 10, lines 14 through 24.
Strike: subsections (i) and (ii) in their entirety
Insert: "(i) the breath analysis report was prepared and verified by the person who performed the test or the blood or urine test was a laboratory analysis and the analysis was done in a laboratory operated by the department of justice or by any other laboratory or facility certified or exempt from certification under the rules of the department; and"
Renumber: subsequent subsections

14. Page 11, lines 2 through 4.
Following: "SAMPLE,"
Strike: "IT" through "ADDITION,"

15. Page 12, line 2.
Strike: "2"
Insert: "4"

16. Page 12, line 3.
Following: "not"
Insert: "less than $100 or"

17. Page 12, line 6.
Strike: "2"
Insert: "4"

18. Page 12, line 8.
Strike: "$100"
Insert: "$300"

19. Page 12, line 10.
Strike: "2"
Insert: "4"

20. Page 12, line 12.
Strike: "$300"
Insert: "$500"

21. Page 12, line 13.
Strike: "In addition to the above, the"
Insert: "The"

22. Page 12, line 14.
Following: "61-5-205(2)"
Strike: "and"
Insert: ","
Following: "61-5-208(2)"
Insert: ", and 61-11-203(2)(d)"

23. Page 12, line 16.
Strike: "2"
Insert: "4"

24. Page 12.
Following: line 16
Insert: "(5) In addition to the punishment provided in this section, regardless of disposition, the defendant shall complete an alcohol information course at an alcohol treatment program approved by the department of institutions, which may include alcohol or drug

treatment, or both, if considered necessary by the counselor conducting the program. Each counselor providing such education or treatment shall, at the commencement of the education or treatment, notify the court that the defendant has been enrolled in a course or treatment program. If the defendant fails to attend the course or the treatment program, the counselor shall notify the court of the failure.

(6) For the purpose of determining the number of convictions under this section, "conviction" means a final conviction, as defined in 45-2-101, or a forfeiture of bail or collateral deposited to secure the defendant's appearance in court, which forfeiture has not been vacated. An offender is considered to have been previously convicted for the purposes of this section if less than 5 years have elapsed between the commission of the present offense and a previous conviction. If there has been no additional conviction for an offense under this section for a period of 5 years after a prior conviction hereunder, then such prior offense shall be expunged from the defendant's record."

Section 12. Section 61-11-203, MCA, is amended to read:

"61-11-203. Definitions. As used in this part, the following definitions apply:

(1) "Conviction" means a finding of guilt by duly constituted judicial authority, a plea of guilty, or a forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed any offense relating to the use or operation of a motor vehicle which is prohibited by law, ordinance, or administrative order.

(2) "Habitual traffic offender" means any person who within a 3-year period accumulates 30 or more conviction points according to the schedule specified in this subsection:

(a) deliberate homicide resulting from the operation of a motor vehicle, 15 points;

(b) mitigated deliberate homicide or negligent homicide resulting from operation of a motor vehicle, 12 points;

(c) any offense punishable as a felony under the motor vehicle laws of Montana or any felony in the commission of which a motor vehicle is used, 12 points;

(d) driving while under the influence of intoxicating liquor or narcotics or drugs of any kind <u>or operation of a motor vehicle by a person with alcohol concentration of 0.10 or more</u>, 10 points;

(e) operating a motor vehicle while his license to do so has been suspended or revoked, 6 points;

(f) failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance, as defined in 61-7-105, 8 points;

(g) willful failure of the driver involved in an accident resulting in property damage of $250 to stop at the scene of the accident and give the required information or to otherwise fail to report an accident in violation of the law, 4 points;

(h) reckless driving, 5 points;

(i) illegal drag racing or engaging in a speed contest in violation of the law, 5 points;

(j) operating a motor vehicle without a license to do so, 2 points (this subsection (j) does not apply to operating a motor vehicle within a period of 180 days from the date the license expired);

(k) speeding, 3 points;

(l) all other moving violations, 2 points. There shall be no multiple application of cumulative points when two or more charges are filed involving a single occurrence. If there are two or more convictions involving a single occurrence, only the number of points for the specific conviction carrying the highest points shall be chargeable against that defendant.

(3) "License" means any type of license or permit to operate a motor vehicle.""

25. Page 15, lines 13 and 14.
Strike: section 11 in its entirety
Insert: "Section 14. Codification instruction. Sections 4, 6, and 11 are intended to be codified as an integral part of Title 61, chapter 8, and the provisions of Title 61, chapter 8, apply to sections 4, 6, and 11."

For the Senate:	For the House:
Senator Turnage, Chairman	Representative Addy, Chairman
Senator Mazurek	Representative Vincent
Senator Galt	Representative Keyser

Free Conference Committee
on HB 656
Report No. 1, April 19, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 656, met April 19, 1983, and considered the amendments of the following committees:

Senate Standing Committee (3/7/83)

Senate Committee of the Whole (3/15/83)

We recommend that:

The House accede to all Senate amendments.

HB 656 be further amended as indicated in clerical instructions 1 through 6.

The reference copy of HB 656 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 656 be adopted.

Clerical Instructions:

1. Title, line 8.
Strike: "SECTION"
Insert: "SECTIONS"
Following: "2-17-101,"

Insert: "5-17-101 THROUGH 5-17-103,"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 20.
Following: "(2)"
Strike: remainder of subsection
Insert: "The location of the chambers for the house of representatives shall be determined in the sole discretion of the house of representatives. The location of the chambers of the senate shall be determined in the sole discretion of the senate.

(3) The department of administration, with the advice of the capitol building and planning committee, shall allocate other space for the use of the legislature, including but not limited to space for committee rooms and legislative offices.

Section 2. THERE IS A NEW MCA SECTION THAT READS:

Remodeling and renovation — senate chambers and former supreme court chambers to be preserved. (1) Notwithstanding the provisions of Title 5, chapter 17, part 1, the department of administration shall proceed with the plans for the remodeling and renovation of the state capitol building for which moneys were appropriated by the 47th legislative assembly and reappropriated by the 48th legislative assembly.

(2) In proceeding with such plans, the department of administration shall consult with the capitol building and planning committee provided for in 5-17-101; however, such plans and the implementation of such plans need not be reported to the 49th legislative assembly before implementation.

(3) The department of administration in the implementation of such plans shall keep and maintain the senate chambers in its present location.

(4) If future senate bodies should determine that the location of the senate chambers is to be moved, the department of administration shall keep and maintain the physical structure and location of the present senate chambers as a single room which shall be used for legislative purposes. Such room shall not be divided in any manner and the artwork and the height of the ceiling shall be maintained and preserved.

(5) The department of administration shall keep and maintain the physical structure and location of the supreme court chambers which were occupied by the Montana Supreme Court until the new justice building was completed and dedicated in 1983 as a single room which shall be used for legislative committee purposes. Such room shall not be divided in any manner and the artwork and the height of the ceiling shall be maintained and preserved."

Section 3. THERE IS A NEW MCA SECTION THAT READS:

"Allocation of senate and house of representatives work space. In the implementation of the plans for remodeling and renovation of the state capitol building referred to in this act, the department of administration after having allocated adequate space for the house of representatives and the senate leaderships and staff shall, with respect to any space in excess of such needs, divide any office, work

and committee room space on a proportionate basis determined by the number of house of representatives members and the number of senate members."

Section 4. Section 5-17-101, MCA, is amended to read:

"5-17-101. Capitol building and planning committee — appointment, composition, and meetings. (1) There is a capitol building and planning committee consisting of 16 members as follows:

(a) six members of the house of representatives appointed by the speaker on a bipartisan basis;

(b) six members of the senate appointed by the committee on committees on a bipartisan basis;

(c) the director of the department of administration <u>who shall serve as a nonvoting member</u>;

(d) the administrator of the architectural and engineering division of the department of administration <u>who shall serve as a nonvoting member</u>;

(e) a representative of the governor's office designated by the governor <u>who shall serve as a nonvoting member</u>; and

(f) the director of the Lewis and Clark areawide planning organization who shall serve as a nonvoting member.

(2) The committee shall select a chairman who may call meetings at his discretion for the conduct of committee business."

Section 5. Section 5-17-102, MCA, is amended to read:

"5-17-102. Function of committee — capitol area master plan. (1) The function of the committee is to establish and maintain a master plan for the orderly development of state buildings in the immediate area of the capital city. The master plan shall be developed and maintained with consideration given to the following factors:

(a) the needs of the state relative to the location and design of buildings to be constructed, purchase of land, parking facilities, traffic management, and landscaping;

(b) the ordinances, plans, requirements, and proposed improvements of the city of Helena and Lewis and Clark County based without limitation upon zoning regulations, population trends, and plans for rapid transit development;

(c) any other factors that bear upon the orderly, integrated, and cooperative development of the state, the city of Helena, Lewis and Clark County, and of state property in the immediate area of the capital city.

(2) The committee shall consult with and advise the department of administration concerning the assignment of space in the capitol complex and the actual placement of busts, statues, memorials, or art displays of a permanent nature within public areas of the capitol complex. No such item may be permanently displayed unless authorized by the legislature.

(3) The committee shall serve as a long-range building committee to recommend to the legislature and the department of administration construction and remodeling priorities for the capitol complex.

~~(4) The committee shall serve as the legislature's representative in the preparation and implementation of plans for renovation and remodeling of the capitol. In this capacity the committee may decide, based on its study and analysis, the allocation and use of space in the capitol, including without limitation the location of legislative chambers and committee rooms following any remodeling. Allocation of space shall include adequate space in the capitol for the staff of the legislative finance committee, legislative audit committee, and the legislative council.~~"

Section 6. Section 5-17-103, MCA, is amended to read:

"5-17-103. Report to legislature. The committee shall prepare a written report of its activities and recommendations and present the report to the legislature at each regular session for the purpose of assisting the legislature in determining if such recommendations should be implemented. To prepare its report and recommendations, the committee may receive assistance from the legislative council."

NEW SECTION. Section 7. Effective date. This act is effective on passage and approval."

For the Senate:

Senator Goodover, Chairman
Senator Turnage
Senator Graham

For the House:

Representative Menahan, Chairman
Representative Fabrega
Representative Metcalf

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Senate recessed at 9:56 a.m. until 2:30 p.m. this legislative day.

Senate resumed at 2:30 p.m.

Senate recessed at 2:31 p.m. until 2:50 p.m. this legislative day.

Senate resumed at 2:50 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

LEGISLATIVE ADMINISTRATION (Kolstad, Chairman):
HJR 41, be concurred in. Report adopted.
HJR 43, be concurred in. Report adopted.
HJR 45, be concurred in. Report adopted.

STATE ADMINISTRATION (Story, Chairman):
HJR 4, be concurred in. Report adopted.
HJR 44, be concurred in. Report adopted.
HJR 46, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on HB 68
Report No. 1, April 19, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 68, met April 19, 1983, and considered the amendments of the following committees:

Senate Committee on Natural Resources (3/17/83)

Senate Committee of the Whole (3/19/83)

We recommend that:

The House accede to Standing Committee amendments.

The House accede to Committee of the Whole amendment.

HB 68 be further amended as indicated in clerical instruction 1.

The reference copy of HB 68 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 68 be adopted.

Clerical Instructions:

1. Page 2.
Following: line 23
Insert: "Section 2. Presumption of nuisance and disorderly conduct. For the purposes of this part, the operation of a motorboat that emits noise in excess of 86 dbA when measured at a distance of 50 feet is presumed to be a public nuisance and constitute disorderly conduct except when otherwise lawfully operated under a motorboat racing permit issued by a political subdivision of the state."
Renumber: subsequent section

For the Senate:

Senator Dover, Chairman
Senator Lee
Senator Mohar

For the House:

Representative Harper, Chairman
Representative Seifert
Representative Veleber

Free Conference Committee
on HB 897
Report No. 1, April 20, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 897, met April 20, 1983, and considered the amendments of the following committees:

Senate Committee on Finance and Claims (4/13/83)

Senate Committee of the Whole (4/14/83)

We recommend that:

The House accede to Standing Committee amendment.

The House accede to Committee of the Whole amendment.

HB 897 be further amended as indicated in clerical instruction 1.

The reference copy of HB 897 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 897 be adopted.

Clerical Instructions:

1. Page 6.
Following: line 13
Insert: "Water Resources Oversight Committee G $15,000"

For the Senate:

For the House:

Senator Ochsner, Chairman
Senator Galt
Senator D. Manning

Representative Neuman, Chairman
Representative Harper
Representative Lory

Free Conference Committee
on SB 48
Report No. 1, April 19, 1983

Mr. President and Speaker of the House:

We, your free conference committee on SB 48, met April 19, 1983, and considered the amendments of the following committees:

House Committee on State Administration (2/7/83)

We recommend that:

The Senate accede to Standing Committee amendments 1 and 2.

The House recede from Standing Committee amendment 3.

SB 48 be further amended as indicated in clerical instruction 1.

The reference copy of SB 48 be amended to read as specified in the clerical instructions.

The free conference committee report on SB 48 be adopted.

Clerical Instructions:

1. Title, line 7.
Following: "NUMBER"
Insert: ", THE FISCAL STATEMENT,"

2. Page 4, line 1.
Following: "; ~~(2)(e),~~"
Insert: ", (2)(e),"

For the Senate:

Senator Marbut, Chairman
Senator Hammond
Senator Towe

For the House:

Representative Brand, Chairman
Representative Driscoll
Representative Mueller

Free Conference Committee
on HB 100
Report No. 2, April 20, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 100, met April 20, 1983, and considered the amendments of the following committees:

Senate Standing Committee (3/23/83)

Senate Committee of the Whole (3/26/83)

We recommend that:

The House accede to Standing Committee amendments 3, 4, 5, 7, and 8.

The Senate recede from Standing Committee amendments 1, 2, and 6.

The House accede to Committee of the Whole amendments amending the Senate Standing Committee report and striking sections 17 and 18.

The Senate recede from the remainder of the Senate Committee of the Whole amendments.

HB 100 be further amended as indicated in clerical instructions 1 through 5.

The reference copy of HB 100 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 100 be adopted.

Clerical Instructions:

1. Page 4, line 15.
Following: "~~shall~~"
Strike: "~~MAY~~"
Insert: "shall"

2. Page 4, line 23.
Following: "emphasis on"
Strike: remainder of line 23 through line 24 in its entirety
Insert: "energy efficiency;"

3. Page 5, line 6.
Following: "~~HAVE~~"
Strike: "~~DEMONSTRABLE~~"

4. Page 5, line 11.
Following: line 10
Insert: "(7) Nothing in this section shall give rise to a civil action against a financial institution or lender."

5. Page 11, line 18.
Following: "ACCOUNTABILITY"
Insert: "and shall include at least one person representing each of the following:

(a) the financial community;

(b) small business;

(c) agriculture; and

(d) labor."

For the Senate:

Senator Elliott, Chairman
Senator Dover
Senator Van Valkenburg

For the House:

Representative Kemmis, Chairman
Representative Vincent
Representative Fabrega

Free Conference Committee
on HB 742
Report No. 1, April 19, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 742, met April 19, 1983, and considered the amendments of the following committees:

Senate Committee on Taxation (3/28/83)

We recommend that:

The Senate recede from Standing Committee amendments 1, 2, and 4.

The House accede to Standing Committee amendment 3.

HB 742 be further amended as indicated in the clerical instructions.

The reference copy of HB 742 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 742 be adopted.

Clerical Instructions:

1. Title, lines 9 and 10.
Following: line 8
Strike: line 9 in its entirety through ";" on line 10

2. Title, line 11.
Strike: "7-12-4301,"
Following: "7-12-4305"
Strike: "2"

3. Pages 3 and 4.
Strike: page 3, line 16 through page 4, line 14
Renumber: subsequent sections

For the Senate:

Senator McCallum, Chairman
Senator Hager
Senator Lynch

For the House:

Representative O'Connell, Chairman
Representative Hand
Representative Kitselman

Free Conference Committee
on HB 749
Report No. 1, April 19, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 749, met April 19, 1983, and considered the amendments of the following committees:

Senate Committee on Labor and Employment Relations (3/24/83)

We recommend that:

The Senate recede from Standing Committee amendment 1.

The House accede to Standing Committee amendment 2.

HB 749 be further amended as indicated in clerical instructions 1 through 4.

The reference copy of HB 749 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 749 be adopted.

Clerical Instructions:

1. Page 4, line 15.
Following: line 14
Insert: "(c) foster, develop, and promote job sharing in agencies;"
Renumber: subsequent subsections

2. Page 6, line 6.
Following: "EMPLOYEE"
Insert: "holiday pay, annual leave, sick leave, and health"

3. Page 6, line 9.
Following: line 8

Insert: "(3) Employees classified in a part-time status may not be reclassified to a job sharing status while employed in the position classified as part-time."

4. Page 6, line 11.
Following: "IT IS"
Strike: "CONSIDERED"
Insert: "done"

For the Senate:

Senator Aklestad, Chairman
Senator Galt
Senator Lynch

For the House:

Representative Keenan, Chairman
Representative Waldron
Representative Hemstad

Free Conference Committee
on SB 451
Report No. 1, April 20, 1983

Mr. President and Speaker of the House:

We, your free conference committee on SB 451, met April 20, 1983, and considered the amendments of the following committees:

House Committee on Legislative Administration (3/26/83)

We recommend that:

The Senate accede to Standing Committee amendment.

SB 451 be further amended as indicated in clerical instructions 1 through 4.

The reference copy of SB 451 be amended to read as specified in the clerical instructions.

The free conference committee report on SB 451 be adopted.

Clerical Instructions:

1. Title, line 6.
Strike: "IMPROVEMENT"

2. Title, line 19.
Following: "~~MCA~~;"
Insert: "PROVIDING BUDGETARY AND ADMINISTRATIVE AUTHORITY IN THE COMMITTEE; AMENDING SECTIONS 5-2-302, 5-11-105, 5-11-111, 5-11-301, 5-12-205, 5-12-304, 5-13-302, 5-13-304, 5-13-305, 75-1-321, AND 75-1-323, MCA;"

3. Title, lines 20 and 21.
Following: "~~IMMEDIATE~~"
Insert: "IMMEDIATE"
Strike: "AND TERMINATION DATE"

4. Pages 1 through 4.
Strike: all of the bill following the enacting clause
Insert: "NEW SECTION. Section 1. Appointment and composition of legislative management committee — definition. (1) There is an eight-member, equally bipartisan legislative management committee that consists of the president and minority leader of the senate, the speaker and minority leader of the house of representatives, and either the chairman or vice-chairman of the legislative council, finance committee, audit committee, and environmental quality

council. The four legislative leadership members shall appoint representatives from the legislative council, finance committee, audit committee, and environmental quality council in a manner which will preserve the partisan balance.

(2) As used in this chapter, unless the context indicates otherwise, "committee" means the legislative management committee.

NEW SECTION. Section 2. Term. Membership on the committee is for 2 years and terminates with the appointment of a new committee or on the last legislative day of the next regular session following the one in which the appointment was made, whichever occurs first. A new committee must be appointed no later than the last day of each regular session.

NEW SECTION. Section 3. Vacancies. A vacancy on the committee occurring when the legislature is not in session must be filled by the selection of another member by the same method as the original appointment.

NEW SECTION. Section 4. Officers — rules of procedure — records — staff support. (1) The committee shall organize immediately following appointment by electing one of its members as its chairman and by electing such other officers from among its membership as the members consider desirable.

(2) The committee may adopt rules of procedure and rules to carry out the purpose for which it is created and may make all arrangements for its meetings. The committee shall keep accurate records of its activities and proceedings.

(3) The legislative counsel, audit committee, finance committee, and environmental quality council shall cooperate with and assist the committee in performing its duties. The legislative council shall provide clerical support.

NEW SECTION. Section 5. Powers and duties of committee. (1) The committee may appoint appropriate bipartisan subcommittees of legislators to address questions of statewide importance arising when the legislature is not in session or to perform such other functions as the committee considers necessary.

(2) The committee shall develop the budget requests for all legislative support agencies in consultation with those agencies and shall establish uniform personnel management policies, staffing levels, and compensation for all legislative branch employees.

(3) The committee may employ the services of any research or consulting agency that it considers necessary in the discharge of its duties.

(4) The committee shall develop plans or recommendations considered appropriate by the committee for improving coordination, efficiency, and effectiveness of the legislature and its staff services.

Section 6. Section 5-2-302, MCA, is amended to read:

"5-2-302. Compensation and expenses when legislature not in session. When the legislature is not in session, members of the legislative management committee, the legislative council, legislative subcommittees, and select and interim committees, while engaged in authorized committee business, are entitled to:

(1) a mileage allowance as provided in 2-18-503;

(2) expenses as provided in 2-18-501 and 2-18-502; and

(3) a salary equal to one full day's pay at the rate of a classified state employee, described in 5-2-301 for each 24-hour period of time (from midnight to midnight), or portion thereof, spent away from home on authorized committee business. However, if time spent for business other than authorized committee business results in lengthening a legislator's stay away from home into an additional 24-hour period, he may not be compensated for the additional day."

Section 7. Section 5-11-105, MCA, is amended to read:

"5-11-105. Powers and duties of council. ~~(1) If a question of statewide importance arises when the legislature is not in session and a subcommittee has not been appointed to consider the question, the legislative council shall assign the question to an appropriate subcommittee.~~

~~(2)~~(1) The legislative council shall supervise the activities of the council staff.

~~(3)~~(2) The legislative council shall assist in the preparation and submission of all standing and select committee and subcommittee reports and recommendations to the legislature.

~~(4)~~(3) This section shall not be construed to permit the council to approve or disapprove of any substantive portions or recommendations of a standing or select committee or subcommittee report."

Section 8. Section 5-11-111, MCA, is amended to read:

"5-11-111. Executive director, personnel, and consultants. ~~The~~ Subject to the approval of the legislative management committee, the legislative council may employ an executive director and such other personnel, not members of the council, as it considers necessary to assist in the preparation of proposed legislative acts and standing and select committee and subcommittee reports and recommendations and to carry out other council activities. The council shall fix the compensation of such employees subject to the approval of the legislative management committee. ~~It may also employ the services of any research agency which it considers necessary in the discharge of its duties.~~"

Section 9. Section 5-11-301, MCA, is amended to read:

"5-11-301. Functions of legislative ~~council~~ management committee — interstate cooperation. It shall be a function of the legislative ~~council~~ management committee to:

(1) carry forward the participation of the state of Montana as a member of the council of state governments, and the legislative ~~council~~ management committee is hereby designated as the Montana commission on interstate cooperation;

(2) encourage and assist the government of this state to develop and maintain friendly contact by correspondence, by conference, and otherwise with the other states, with the federal government, and with local units of government;

(3) establish such delegations and committees as may be deemed advisable, including delegations to the national conference of state

legislatures, to confer with similar delegations and committees from other states concerning problems of mutual interest. The membership of such delegations and committees may consist of legislators and employees of the state other than members of the legislative ~~council~~ management committee. Members of such delegations and committees ~~shall serve without pay, but they~~ may be reimbursed for expenses as provided by law.

(4) endeavor to advance cooperation between this state and other units of government whenever it seems advisable to do so by formulating proposals for interstate compacts and reciprocal or uniform legislation and by facilitating the adoption of uniform or reciprocal administrative rules and regulations, informal cooperation of governmental offices, personal cooperation among governmental officials and employees, interchange and clearance of research and information, and any other suitable process."

Section 10. Section 5-12-205, MCA, is amended to read:

"5-12-205. Powers and duties of committee. The committee may:

(1) organize, adopt rules to govern its proceedings, and meet as often as necessary, upon the call of the chairman, to advise and consult with the legislative fiscal analyst;

(2) employ and, subject to the approval of the legislative management committee, set the salary of the legislative fiscal analyst, who shall serve at the pleasure of and be responsible to the committee; and

(3) exercise the investigatory powers of a standing committee under chapter 5, part 1, of this title."

Section 11. Section 5-12-304, MCA, is amended to read:

"5-12-304. Employees and consultants. The legislative fiscal analyst may, subject to the approval of the legislative management committee, employ, fix the salaries, and define the duties of such staff and consultants as may be necessary, within the limits of his appropriation."

Section 12. Section 5-13-302, MCA, is amended to read:

"5-13-302. Appointment and qualifications. (1) The committee shall appoint the legislative auditor and, subject to the approval of the legislative management committee, set his salary.

(2) The legislative auditor shall hold a degree from an accredited college or university with a major in accounting or an allied field and shall have at least 2 years' experience in the field of governmental accounting and auditing."

Section 13. Section 5-13-304, MCA, is amended to read:

"5-13-304. Powers and duties. The legislative auditor shall:

(1) audit the financial affairs and transactions of every state agency;

(2) make a complete written report of each audit. A copy of each report shall be furnished to the department of administration, the state agency which was audited, each member of the legislative audit committee~~, and the legislative council~~, and each member of the legislative management committee.

(3) report immediately in writing to the attorney general and the governor any apparent violation of penal statutes disclosed by the audit of a state agency and furnish the attorney general with all information in his possession relative to the violation;

(4) report immediately in writing to the governor any instances of misfeasance, malfeasance, or nonfeasance by a state officer or employee disclosed by the audit of a state agency;

(5) report immediately to the surety upon the bond of an official or employee when an audit discloses a shortage in the accounts of the official or employee. Failure to notify the surety does not release the surety from any obligation under the bond.

(6) report to the legislature during the first week of each regular session. The report shall contain, among other things, copies of or summaries of audit reports on state agencies and any recommendations relating to such reports.

(7) have the authority to audit records of organizations and individuals receiving grants from or on behalf of the state to determine that the grants are administered in accordance with the grant terms and conditions. Whenever a state agency enters into an agreement to grant resources under its control to others, the agency must obtain the written consent of the grantee to the audit provided for in this subsection."

Section 14. Section 5-13-305, MCA, is amended to read:

"5-13-305. Employees, consultants, and legal counsel. ~~The~~ Subject to the approval of the legislative management committee, the legislative auditor may appoint whatever employees and consultants are necessary to carry out the provisions of this chapter, within the limitations of legislative appropriations. The legislative auditor may employ legal counsel to conduct proceedings under this chapter."

Section 15. Section 75-1-321, MCA, is amended to read:

"75-1-321. Appointment and qualifications of executive director. The council shall appoint the executive director and, subject to the approval of the legislative management committee, set his salary. The executive director shall hold a degree from an accredited college or university with a major in one of the several environmental sciences and shall have at least 3 years of responsible experience in the field of environmental management. He shall be a person who, as a result of his training, experience, and attainments, is exceptionally well qualified to analyze and interpret environmental trends and information of all kinds; to appraise programs and activities of the state government in the light of the policy set forth in 75-1-103; to be conscious of and responsive to the scientific, economic, social, aesthetic, and cultural needs and interests of the state; and to formulate and recommend state policies to promote the improvement of the quality of the environment."

Section 16. Section 75-1-323, MCA, is amended to read:

"75-1-323. Appointment of employees. The executive director, subject to the approval of the council and the legislative management committee, may appoint whatever employees are necessary to carry out the provisions of this chapter, within the limitations of legislative appropriations."

NEW SECTION. Section 17. Codification instruction. Sections 1 through 5 are intended to be codified as an integral part of Title 5, chapter 20.

NEW SECTION. Section 18. Effective date. This act is effective on passage and approval.

-End-"

For the Senate:

Senator Stephens, Chairman
Senator Kolstad
Senator Boylan

For the House:

Representative Menahan, Chairman
Representative Donaldson
Representative Kemmis

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

April 20, 1983

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 106, 313.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Governor's amendments to House bill concurred in and returned to the Senate for concurrence in Governor's amendments: 4/19/83

HB 715, introduced by Waldron

Free conference committee reports adopted: 4/19/83

Free conference committee report on HB 47

Free conference committee report on SB 40

Free conference committee report on SB 118

Free conference committee report on SB 439

Senate amendments to House bill concurred in: 4/19/83

HJR 31, introduced by Williams, et al.

The House, on 4/14/83, failed to concur in Governor's amendments to HB 83 and appointed a free conference committee, requesting that the Senate appoint a like committee to confer on HB 83.

The Speaker appointed the following members:

Representative Nisbet, Chairman
Representative Hemstad
Representative Daily

The House, on 4/20/83, acceded to the request of the Senate and appointed a free conference committee to meet with a like committee from the Senate to confer on HB 656.

The Speaker appointed the following members:

Representative Menahan, Chairman
Representative Fabrega
Representative Metcalf

The House, on 4/20/83, dissolved the conference committee on HB 908 and appointed a free conference committee to meet with a like committee from the Senate to confer on HB 908.

The Speaker appointed the following members:

Representative Harper, Chairman
Representative Iverson
Representative Kemmis

MOTIONS

Senator Hazelbaker moved that the President be authorized to dissolve the conference committee on Senate amendments to HB 908 and that he be authorized to appoint a free conference committee. Motion carried.

The President appointed the following members:

Senator Galt, Chairman
Senator Lee
Senator Blaylock

Senator Hazelbaker moved that the President be authorized to appoint a free conference committee to confer on HB 83. Motion carried.

The President appointed the following members:

Senator Story, Chairman
Senator Marbut
Senator Towe

Senator R. Manning moved that the President be authorized to dissolve the conference committee on Senate amendments to HB 677 and that the Senate request the House of Representatives to return HB 677 to the Senate for further consideration.

Senator R. Manning requested a meeting of the Committee on Rules to decide whether his previous motion requires a two-thirds vote. Request granted with sufficient seconds.

Senate recessed subject to the call of the Chair at 3:07 p.m.

Senate resumed at 3:38 p.m.

Senator Hazelbaker announced that it was the decision of the Committee on Rules that Senator R. Manning's motion requires a two-thirds vote.

Senator Lynch moved to appeal the ruling of the Chair. Motion ruled out of order.

Senator R. Manning moved that the President be authorized to dissolve the conference committee on Senate amendments to HB 677. Motion failed as follows:

Ayes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Haffey, Halligan, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 23

Noes: Aklestad, Boylan, Brown, Crippen, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 27

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hager moved that the Senate request the House to return HB 926 and that the rules be temporarily suspended in order to place HB 926 on second reading this legislative day.

Senator Turnage requested a meeting of the Committee on Rules to determine whether or not Senator Lynch's previous motion would be properly considered at this time.

Senate recessed subject to the call of the Chair at 3:56 p.m.

Senate resumed at 4:21 p.m.

Senator Hazelbaker announced the unanimous decision of the Committee on Rules was that the issue of a two-thirds vote to return HB 677 is not properly before the Senate and therefore the challenge on that point is not in order.

The Senate reverted to Senator Hager's motion that the Senate request the House to return HB 926 and that the rules be temporarily suspended in order to place HB 926 on second reading this legislative day. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Goodover.
Total 1

Excused: None.
Total 0

Absent or not voting: Daniels, Lynch, D. Manning.
Total 3

Senator Elliott moved that the Senate reject the free conference committee report on HB 100 and that the President be authorized to appoint a new free conference committee to meet with a like committee from the House. Motion withdrawn.

Senator Hazelbaker moved that the President be authorized to dissolve the conference committee on Senate amendments to HB 885 and that he appoint a free conference committee. Motion carried.

The President appointed the following members:

Senator Aklestad, Chairman
Senator Kolstad

Senator Lane

Senator R. Manning moved that the President be authorized to dissolve the conference committee on Senate amendments to HB 677 and that a new conference committee be appointed. Motion failed as follows:

Ayes: Berg, Boylan, Christiaens, Conover, Daniels, Fuller, Graham, Haffey, Halligan, Jacobson, Lane, Lee, Lynch, R. Manning, Mohar, Norman, Regan, Stimatz, Towe, Tveit, Van Valkenburg.
Total 21

Noes: Aklestad, Blaylock, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, D. Manning, Marbut, Mazurek, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Mr. President.
Total 27

Excused: None.
Total 0

Absent or not voting: Eck, Thomas.
Total 2

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Berg in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 100 - That the free conference committee report on HB 100 be rejected.

Substitute motion that the free conference committee report on HB 100 be adopted. Motion failed as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 24

Noes: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the free conference committee report on HB 100 be rejected. Motion carried as follows:

Ayes: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.

Total 27

Noes: Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 23

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 909 - That HB 909 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 928 - That HB 928, third reading copy, be amended as follows:

1. Senate Standing Committee amendment 3.
Strike: "Paradise"
Insert: "Heritage"

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Regan.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 928, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 9 - That HJR 9 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 46

Noes: Gage, Goodover, Shaw, Tveit.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 118 - That the free conference committee report on SB 118 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 118 - That the free conference committee report on HB 118 be adopted. Motion carried as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Towe, Turnage, Van Valkenburg.

Total 38

Noes: Boylan, Gage, Galt, Himsl, Keating, Lee, Story.
Total 7

Excused: None.
Total 0

Absent or not voting: Aklestad, Kolstad, Thomas, Tveit, Mr. President.
Total 5

HB 776 - That the free conference committee report on HB 776 be adopted. Motion carried as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Towe, Van Valkenburg.
Total 32

Noes: Aklestad, Dover, Elliott, Hammond, Himsl, Lee, Marbut, Mohar, Story.
Total 9

Excused: None.
Total 0

Absent or not voting: Boylan, Fuller, Keating, Kolstad, McCallum, Thomas, Turnage, Tveit, Mr. President.
Total 9

HJR 40 - That HJR 40 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Mohar.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 414 - That House amendments to SB 414 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 23 - That House amendments to SJR 23 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 159 - That the Governor's amendments to SB 159 be not concurred in. Motion carried as follows:

Ayes: Aklestad, Boylan, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 28

Noes: Berg, Blaylock, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lane, Lynch, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Towe, Van Valkenburg.
Total 21

Excused: None.
Total 0

Absent or not voting: D. Manning.
Total 1

SB 335 - That the Governor's amendments to SB 335 be not concurred in.

Substitute motion that the Governor's amendments to SB 335 be concurred in. Motion failed as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Conover, Daniels, Eck, Elliott, Etchart, Fuller, Graham, Haffey, Hazelbaker, Lane, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Story, Turnage, Van Valkenburg, Mr. President.
Total 24

Noes: Boylan, Christiaens, Crippen, Dover, Gage, Galt, Goodover, Hager, Halligan, Hammond, Himsl, Jacobson, Keating, Kolstad, Lee, Lynch, R.

Manning, Marbut, Mazurek, McCallum, Severson, Stimatz, Thomas, Towe, Tveit.
Total 25

Excused: None.
Total 0

Absent or not voting: D. Manning.
Total 1

That the Governor's amendments to SB 335 be not concurred in. Motion carried as follows:

Ayes: Boylan, Christiaens, Conover, Crippen, Dover, Fuller, Gage, Galt, Goodover, Hager, Halligan, Hammond, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, McCallum, Severson, Stimatz, Thomas, Towe, Tveit.
Total 28

Noes: Aklestad, Berg, Blaylock, Brown, Daniels, Eck, Elliott, Etchart, Graham, Haffey, Hazelbaker, Mazurek, Mohar, Norman, Ochsner, Regan, Shaw, Smith, Story, Turnage, Van Valkenburg, Mr. President.
Total 22

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 312 - That the free conference committee report on SB 312 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 317 - That the free conference committee report on SB 317 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 401 - That the free conference committee report on SB 401 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 451 - That the free conference committee report on SB 451 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 540 - That the free conference committee report on HB 540 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 606 - That the free conference committee report on HB 606 be adopted.

Substitute motion that the free conference committee report on HB 606 be rejected. Motion failed as follows:

Ayes: Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Elliott, Gage, Goodover, Hager, Himsl, Marbut, Mazurek, Mohar, Ochsner, Regan, Shaw, Thomas, Towe, Turnage, Van Valkenburg.
Total 22

Noes: Aklestad, Berg, Boylan, Eck, Etchart, Fuller, Galt, Graham, Haffey, Hammond, Hazelbaker, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, McCallum, Norman, Severson, Smith, Stimatz, Story, Tveit, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: Halligan, Keating.
Total 2

That the free conference committee report on HB 606 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Boylan, Christiaens, Conover, Crippen, Dover, Eck, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, McCallum, Norman, Ochsner, Severson, Smith, Stimatz, Story, Thomas, Towe, Tveit, Mr. President.
Total 38

Noes: Blaylock, Brown, Daniels, Gage, Mazurek, Mohar, Regan, Shaw, Van Valkenburg.
Total 9

Excused: None.
Total 0

Absent or not voting: Elliott, Keating, Turnage.
Total 3

HB 656 - That the free conference committee report on HB 656 be adopted. Motion carried as follows:

Ayes: Boylan, Brown, Conover, Crippen, Daniels, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Smith, Stimatz, Story, Thomas, Turnage, Tveit.
Total 34

Noes: Berg, Blaylock, Christiaens, Eck, Himsl, Jacobson, R. Manning, Mohar, Regan, Towe, Van Valkenburg.
Total 11

Excused: None.

Total 0

Absent or not voting: Aklestad, Halligan, Severson, Shaw, Mr. President. Total 5

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Berg moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Hazelbaker moved that the President be authorized to dissolve the free conference committee on HB 100 and appoint a new free conference committee to confer on HB 100. Motion carried.

The President appointed the following members:

Senator Elliott, Chairman
Senator Dover
Senator Van Valkenburg

Senator Hazelbaker moved that the President be authorized to dissolve the conference committee on Senate amendments to HB 871 and that he appoint a free conference committee. Motion carried.

The President appointed the following members:

Senator Kolstad, Chairman
Senator Lee
Senator Christiaens

Senator Turnage moved that the President be authorized to appoint a free conference committee to confer on SB 335. Motion carried.

The President appointed the following members:

Senator Turnage, Chairman
Senator Towe
Senator Brown

Senator Turnage moved that the Senate reconsider its action in concurring in HB 656 on second reading this day and that it be referred back to second reading for further consideration. Motion carried unanimously.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Berg in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 418 - That the Governor's amendments to SB 418 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R.

Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 4 - That HJR 4 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 41 - That HJR 41 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 43 - That HJR 43 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Blaylock.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 44 - That HJR 44, without objection, be moved to the bottom of the board.

HJR 45 - That HJR 45 be concurred in. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Eck, Elliott, Fuller, Gage, Graham, Haffey, Himsl, Jacobson, Keating, Lane, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Regan, Smith, Thomas, Turnage, Mr. President.
Total 27

Noes: Etchart, Goodover, Hager, Halligan, Hammond, Marbut, Mohar, Ochsner, Severson, Shaw, Towe, Tveit, Van Valkenburg.
Total 13

Excused: None.
Total 0

Absent or not voting: Aklestad, Daniels, Dover, Galt, Hazelbaker, Kolstad, Lee, Norman, Stimatz, Story.
Total 10

HJR 46 - That HJR 46 be concurred in. Motion failed as follows:

Ayes: Brown, Daniels, Eck, Fuller, Keating, D. Manning, Story.
Total 7

Noes: Berg, Blaylock, Christiaens, Conover, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, R. Manning, Marbut, Mazurek, Mohar, Ochsner, Regan, Severson, Shaw, Smith, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 38

Excused: None.
Total 0

Absent or not voting: Aklestad, Boylan, McCallum, Norman, Stimatz.
Total 5

That HJR 46 be indefinitely postponed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: None.

Total 0

Absent or not voting: McCallum, Smith, Stimatz.
Total 3

SB 48 - That the free conference committee report on SB 48 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 426 - That the Governor's amendments to SB 426 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 68 - That the free conference committee report on HB 68 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Shaw.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 742 - That the free conference committee report on HB 742 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 749 - That the free conference committee report on HB 749 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 897 - That the free conference committee report on HB 897 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.

Total 0

HB 228 - That the Governor's amendments to HB 228 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 426 - That the Governor's amendments to HB 426 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 715 - That the Governor's amendments to HB 715 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 721 - That the Governor's amendments to HB 721 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 44 - That HJR 44, third reading copy, be amended as follows:

1. Page 2, line 24.
Following: "systems"
Insert: ", excluding the teachers' retirement system"

Amendment passed as follows:

Ayes: Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Fuller, Gage, Graham, Haffey, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, D. Manning, R. Manning, Mazurek, McCallum, Mohar, Norman, Regan, Thomas, Mr. President.
Total 29

Noes: Elliott, Etchart, Galt, Goodover, Hager, Himsl, Marbut, Ochsner, Severson, Shaw, Smith, Towe, Tveit, Van Valkenburg.
Total 14

Excused: None.
Total 0

Absent or not voting: Aklestad, Boylan, Dover, Lynch, Stimatz, Story, Turnage.
Total 7

That HJR 44, as amended, be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Mohar.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 656 - That the free conference committee report on HB 656 be rejected. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Boylan, Brown, Gage, Graham, Lynch, Stimatz.
Total 6

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Berg moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Hazelbaker moved that the President be authorized to dissolve the free conference committee on HB 656 and appoint a new free conference committee to confer on HB 656. Motion carried.

The President appointed the following members:

Senator Goodover, Chairman
Senator Turnage
Senator Graham

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on HB 83
Report No. 1, April 20, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 83, met April 20, 1983, and considered the following:

Governor's proposed amendment (4/13/83)

We recommend that:

The Senate recede from the Governor's proposed amendment 1.

HB 83 be further amended as indicated in clerical instruction 1.

The reference copy of HB 83 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 83 be adopted.

Clerical Instructions:

1. Title, line 7.
Following: "THAT"
Insert: "CERTAIN"

For the Senate:

Senator Story, Chairman
Senator Marbut
Senator Towe

For the House:

Representative Nisbet, Chairman
Representative Daily
Representative Hemstad

Conference Committee
on HB 739
Report No. 1, April 20, 1983

Mr. President and Speaker of the House:

We, your conference committee on HB 739, met April 20, 1983, and considered the amendments of the following committees:

Senate Committee on Taxation (4/12/83)

We recommend that:

The House accede to Standing Committee amendments 1 through 6.

The Senate recede from Standing Committee amendments 7 through 9.

The reference copy of HB 739 be amended to read as specified in the clerical instructions.

The conference committee report on HB 739 be adopted.

Clerical Instructions:

1. Senate Standing Committee amendments.
Strike: amendments 7 through 9

For the Senate:

Senator Elliott, Chairman
Senator Eck
Senator Crippen

For the House:

Representative Keenan, Chairman
Representative Yardley
Representative Underdal

Free Conference Committee
on HB 447
Report No. 1, April 20, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 447, met April 20, 1983, and considered the amendments of the following committees:

Senate Committee on Finance and Claims

Senate Committee of the Whole

We recommend that:

HB 447 be further amended as indicated in the clerical instructions.

The reference copy of HB 447 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 447 be adopted.

Clerical Instructions:

BOILER PLATE
AMENDMENTS TO HB 447

BP1. Page 3.
Following: line 22
Insert: "Section 11. Coal tax trust income. Interest income from the coal tax constitutional trust fund established under Article IX, section 5 of the Montana Constitution is hereby appropriated to the general fund for use during the biennium ending June 30, 1985. The portion of the general fund which represents this appropriation is appropriated to the Build Montana Program as provided in House Bill 1 ($3,175,000), the school foundation program in House Bill 919 ($27,500,000), the Department of Commerce in House Bill 447, items 8, 9, 11, and 12 ($3,329,755), the vocational-technical centers in House Bill 447 ($9,119,865), and any funds not otherwise designated shall be considered part of the university system's appropriation in House Bill 447."
Renumber: subsequent sections

SECTION A
LEGISLATIVE, JUDICIAL, AND ADMINISTRATIVE

a1. Page 4, line 24.
Strike: "1,653,606 2,181,746 2,072,442 2,251,442"
Insert: "1,686,826 2,214,966 2,108,984 2,287,984"

a2. Page 5, line 7.
Strike: "72,000"
Insert: "25,000"

a3. Page 5.
Following: line 9
Insert: "15,000"

a4. Page 6.
Following: line 5
Insert: "12. Legislative Management Committee
(under 1984 general fund): 32,000

13. Water Marketing Study
(under 1984 general fund): 80,000

14. Select Committee on Indian Affairs
(under 1984 general fund): 7,000"

a5. Page 6, line 6.
Strike: "12."
Insert: "15."

a6. Page 6, line 13.
Strike: "11"
Insert: "14"

a7. Page 6, line 13.
Following: "appropriations."
Insert: "If SB 451 is passed and approved, and if SB 451 transfers the function of interstate cooperation from the Legislative Council to the Legislative Management Committee, money appropriated for CSG and NCSL travel shall be controlled by the Legislative Management Committee."

a8. Page 6.
Following: line 13
Insert: "The appropriation in item 13 is contingent upon passage of House Bill 908."

a9. Page 7, line 11.
Strike: "1,376,359"
Insert: "1,295,420"

a10. Page 7.
Following: line 13
Insert: "C. Out-of-state Juvenile and Adult Placement 80,939"

a11. Page 8.
Following: line 9
Insert: "Item 1a may be used for court ordered out-of-state placements for either juvenile or adult placement.

From item 1c the Supreme Court may, subject to any terms or conditions it considers necessary, pay an amount from the above appropriation necessary to satisfy all claims by Vision Quest, Tucson, Arizona, for the care, custody, and maintenance of James D. Romero, arising out of the order dated August 18, 1981, in cause no. 929-J, First Judicial District of the State of Montana, Lewis and Clark County. Any funds not expended on the Romero case may be utilized by the court for operations or other out-of-state placement."

a12. Page 10, line 15.
Insert (under 1984 state special revenue): "11,000
(under 1985 state special revenue): 11,000"

a13. Page 11.
Following: line 10
Insert: "The state special revenue fund spending authority in item 1a is for the purpose of printing and distributing maps of the official legislative and congressional districts in Montana and for any technical assistance necessary for preparing the maps for printing and distribution. The Secretary of State may contract with the Legislative Council for such technical assistance. The Secretary of State may charge a reasonable fee for such maps commensurate with costs of printing and distribution. The fees must be deposited in a state special revenue fund and the proceeds thereof may be used only for purposes of printing and distributing such maps."

a14. Page 11, line 12.
Before: "AS"
Insert: "The rate charged for agency filings to update the ARM may not exceed $30 per page."

a15. Page 13, line 13.
Strike: "630,519 635,014"
Insert: "605,772 613,167"

a16. Page 15, line 6.
Strike: "1,882,541 1,905,454"
Insert: "1,878,110 1,900,536"

a17. Page 15, line 11.
Strike: "2,777,273 5,893,836 2,871,580 5,873,796"
Insert: "2,671,960 6,059,647 2,754,682 5,974,698"

a18. Page 19, line 12.

Strike: "427,814 422,867"
Insert: "429,314 424,367"

a19. Page 21, line 17.
Strike: "10,818,463 10,561,610"
Insert: "10,810,602 10,552,885"

a20. Page 23, line 9.
Following: "Nonprofitable"
Insert: "or marginally profitable"

a21. Page 23.
Strike: lines 15 and 16 in their entirety

a22. Page 26, line 22.
Strike: "689,545"
Insert: "691,045"

a23. Page 26, line 23.
Strike: "676,637"
Insert: "678,137"

a24. Page 28, line 7.
Strike: "771,710 780,763"
Insert: "772,610 781,663"

a25. Page 28, line 13.
Strike: "325,882 344,228"
Insert: "326,382 344,728"

a26. Page 29, line 14.
Strike: "279,764 280,470"
Insert: "305,924 306,630"

a27. Page 31, line 7.
Following: "EQUIPMENT"
Insert: "The department may not require any local government unit to purchase or use high band radio equipment."

a28. Page 31, line 13.
Following: "directors;"
Strike: "and"

a29. Page 31, line 14.
Following: "efforts"
Insert: "; and

(c) complete the land mobile radio portion of the statewide telecommunications plan prepared by the Department of Administration prior to approving the purchase, acquisition, or installation of any new high band equipment, excepting the repair or replacement of existing equipment.

The department shall create an advisory council to participate in the development of the land-mobile radio portion of the statewide telecommunications plan.

The Department of Administration shall report semiannually to the Legislative Finance Committee the progress achieved on the statewide communication plan including but not limited to state and local agency participation and coordination in the plan."

a30. Page 34, line 14.
Strike: "4,527,570 4,518,814"

Insert: "4,833,282 4,824,456"

a31. Page 35, line 14.
Strike: "699,357 650,249"
Insert: "719,071 670,685"

a32. Page 36, line 19.
Following: "plan."
Strike: "THE DEPARTMENT SHALL REPORT QUARTERLY TO THE LEGISLATIVE FINANCE COMMITTEE THE PROGRESS ACHIEVED ON THE WORK PLAN."

a33. Page 37.
Following: line 8
Strike: line 9
Renumber: subsequent subsections

a34. Page 37, line 16.
Following: "1985."
Strike: remainder of line 16 and line 17 in its entirety

a35. Page 37.
Strike: line 20
Insert: "(6) Submit a written progress report semiannually to the Legislative Finance Committee on the projects in the work plan and the above systems."

SECTION B
HUMAN SERVICES

b1. Page 43, line 11.
Strike: "267,343 350,842 272,238 355,737"
Insert: "268,468 351,967 273,363 356,862"

b2. Page 45, line 16.
Strike: "352,139 360,139 354,723 362,723"
Insert: "353,639 361,639 356,223 364,223"

b3. Page 45, line 23.
Strike: "174,926 313,200 167,374 295,155"
Insert: "176,426 314,700 168,874 296,655"

b4. Page 46, line 5.
Strike: line 5
Insert: (under 1984 federal special): "14,291,031
(under 1984 total): 14,291,031
(under 1985 federal special): 14,655,129
(under 1985 total): 14,655,129"

b5. Page 50, line 12.
Strike: "585,567 2,818,351 590,240 2,849,845"
Insert: "583,656 2,816,440 588,329 2,847,934"

SECTION C
NATURAL RESOURCES

c1. Page 56, line 25.
Strike: "1,460,164 1,502,153 1,460,123 1,497,097"
Insert: "1,442,885 1,484,874 1,431,797 1,468,771"

c2. Page 57, lines 19 and 20.
Strike: "257,602 321,054 264,752 329,832"
Insert: "259,477 322,929 266,627 331,707"

c3. Page 58, line 12.
Strike: "1,903,247 1,903,247"
Insert: "1,953,747 1,953,747"

c4. Page 59, line 13.
Strike: (under 1984 and 1985 federal special revenue): "97,969 99,325"
Insert: (under 1984 and 1985 proprietary): "97,969 99,325"

c5. Page 59, line 25.
Strike: "817,289 817,289 853,449 853,449"
Insert: "822,889 822,889 859,049 859,049"

c6. Page 62, line 12.
Strike: "3,997,816 6,762,242 4,179,816 6,940,082"
Insert: "4,077,566 6,841,992 4,264,916 7,025,182"

c7. Page 63, line 17.
Strike: "3,806,716 3,873,334 3,866,838 3,934,282"
Insert: "3,917,683 3,984,301 3,914,076 3,981,520"

c8. Page 64, line 11.
Strike: (under 1984 and 1985 federal special revenue): "30,000 30,000"
Insert: (under 1984 and 1985 state special revenue): "30,000 30,000"

c9. Page 64.
Strike: lines 20 and 21 in their entirety

c10. Page 65, line 6.
Strike: "1,118,160 1,492,359 1,086,885 1,488,316"
Insert: "1,121,160 1,495,359 1,089,885 1,491,316"

c11. Page 65, line 11.
Strike: "965,838 965,838 986,824 986,824"
Insert: "972,138 972,138 993,124 993,124"

c12. Page 67, line 19.
Strike: "260,217 260,217 262,620 262,620"
Insert: "261,917 261,917 264,320 264,320"

c13. Page 67, line 22.
Strike: "1,918,889 1,918,889 1,981,227 1,981,227"
Insert: "1,959,014 1,959,014 2,021,852 2,021,852"

c14. Page 67, line 24.
Strike: "711,895 797,288 686,735 777,251"
Insert: "714,245 799,638 689,085 779,601"

c15. Page 68, line 15.
Strike: "645,399 6,998,437 655,101 7,009,914"
Insert: "647,774 7,000,812 657,475 7,012,289"

c16. Page 68, line 20.
Strike: "12,175,137 20,356,721 12,188,893 18,985,222"
Insert: "12,179,587 20,361,171 12,194,743 18,991,072"

c17. Page 68, line 22.
Strike: "98,778 98,778 100,073 100,073"
Insert: "103,203 103,203 104,498 104,498"

c18. Page 69, line 10.
Strike: "1,500 143,087 1,500 145,342"
Insert: "1,750 143,337 1,750 145,592"

c19. Page 69.
Following: line 25
Insert: "20. Health Facilities Authority
(under 1984 and 1985 proprietary): 100,000
100,000
(under 1984 and 1985 total): 100,000 100,000"

c20. Page 70, line 11.
Following: "biennium."
Insert: "In the event state special revenue funds are not available in item 11b because of the passage and approval of House Bill 446, the same funds, namely $98,778 in fiscal 1984 and $100,073 in fiscal 1985, are hereby appropriated from the general fund."

SECTION D
DEPARTMENT OF INSTITUTIONS

d1. Page 76, line 17.
Strike: "9,125,828 (GF) 9,215,663 (Total)"
Insert: "9,267,829 (GF) 9,357,664 (Total)"

d2. Page 76, lines 18 and 19.
Strike: lines 18 and 19 in their entirety

d3. Page 81, line 17.
Strike: "138,374 138,374 139,148 139,148"
Insert: "147,474 147,474 148,248 148,248"

SECTION E
OTHER EDUCATION

e1. Page 87.
Following: line 9
Insert: "a. General Operations."

e2. Page 87.
Following: line 13
Insert: "b. Occupancy of new space
12,243 (GF 1984) 12,243 (Total 1984)
26,673 (GF 1985) 26,673 (Total 1985)"

e3. Page 88.
Following: line 21
Insert: "If the Public Service Commission has not moved from its present location by January 1, 1984, to new offices in the Department of Highways building, $1,705 will be transferred from the appropriation in item 5b to the Public Service Commission for each month this move is delayed."

SECTION F
HIGHER EDUCATION

f1. Page 100, line 24.
Strike: "5,745,647 8,154,841"
Insert: "5,660,387 8,069,581"

f2. Page 101, line 16.
Strike: "2,178,274 4,039,234"
Insert: "2,137,314 3,998,274"

For the Senate: For the House:

Senator Aklestad, Chairman Representative Bardanouve, Chairman

Senator Keating
Senator Regan

Representative Donaldson
Representative Waldron

Free Conference Committee
on SB 170
Report No. 1, April 20, 1983

Mr. President and Speaker of the House:

We, your free conference committee on SB 170, met April 20, 1983, and considered the amendments of the following committees:

House Committee on Judiciary (3/14/83)

We recommend that:

The House recede from Standing Committee amendments 1 and 3.

The Senate accede to Standing Committee amendment 2.

SB 170 be further amended as indicated in clerical instructions 1, 2, and 3.

The reference copy of SB 170 be amended to read as specified in the clerical instructions.

The free conference committee report on SB 170 be adopted.

Clerical Instructions:

1. Title, line 7.
Strike: "ELIMINATING"
Insert: "AND TO MODIFY"

2. Title, line 12.
Strike: "REPEALING"
Insert: "AMENDING"

3. Page 1, line 15.
Strike: all of the bill following the enacting clause
Insert: "Section 1. Section 70-30-321, MCA, is amended to read:

"70-30-321. Sale of property acquired for public use when use abandoned — procedure. (1) ~~Whenever~~ Except as provided in subsection (3), a person who has acquired a real property interest for a public use, whether by right of eminent domain or otherwise, abandons such public use and places such interest for sale, the seller may sell the interest to the highest bidder at public auction.

(2) In the event the seller decides to sell an interest in real property as set forth in subsection (1), he shall publish notice of the public sale in a newspaper published in the county in which the real property interest is located once a week for 4 successive weeks. Sale shall be held in the county where the real property interest is located. The notice of sale shall contain the information required by 77-2-322.

(3) When an interest other than a fee simple interest in property, which has been acquired for a public purpose by right of eminent domain, or otherwise, is abandoned or the purpose for which it was acquired is terminated, the property reverts to the original owner or his successor in interest."

Section 2. Section 70-30-322, MCA, is amended to read:

"70-30-322. Option of original owner or successor in interest to purchase at sale price. (1) ~~The~~ Except as provided in subsection (3), the owner from whom the real property interest was originally acquired by eminent domain or otherwise or, if there is a successor in interest, the successor in interest shall have the option to purchase the interest by offering therefor an amount of money equal to the highest bid received for the interest at a sale provided for in 70-30-321 or an amount equal to the price which the original owner was paid when the property was acquired for a public use. If more than one person claims an equal entitlement, the option may not be exercised.

(2) If no bids are received by the seller and the optionholder indicates in writing to the seller that he wishes to exercise the option, the seller shall have the real property interest appraised and sell the interest ~~at that price~~ to the optionholder at the appraised value or at the price which the original owner was paid when the property was acquired for a public use.

(3) When an interest other than a fee simple interest in property, which has been acquired for a public purpose by right of eminent domain, or otherwise, is abandoned or the purpose for which it was acquired is terminated, the property reverts to the original owner or his successor in interest."

Section 3. Saving clause. This act does not affect rights and duties that matured, property that was acquired, penalties that were incurred, or proceedings that were begun before the effective date of this act."

For the Senate:

Senator Turnage, Chairman
Senator Crippen
Senator Boylan

For the House:

Representative Addy, Chairman
Representative Darko
Representative Ramirez

Free Conference Committee
on HB 908
Report No. 1, April 20, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 908, met April 20, 1983, and considered the amendments of the following committees:

Senate Committee on Rules (4/7/83)

Senate Committee on Agriculture, Livestock and Irrigation (4/14/83)

Senate Committee of the Whole (4/14/83)

We recommend that:

The House accede to Committee on Rules amendments.

The House accede to Committee on Agriculture, Livestock and Irrigation amendments 1 through 7, 9, and 10.

The Senate recede from Committee on Agriculture, Livestock and Irrigation amendment 8.

The Senate recede from Committee of the Whole amendments 1 and 2.

HB 908 be further amended as indicated in the clerical instructions.

The reference copy of HB 908 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 908 be adopted.

Clerical Instructions:

1. Page 16, line 23.
Strike: "THROUGH (4)"
Insert: "and (3)"

2. Page 19, lines 13 through 24.
Strike: subsections (2) and (3) in their entirety
Insert: "(2) (a) The department may not issue a permit for an appropriation of 10,000 or more acre-feet of water a year or 15 or more cubic feet per second of water unless it affirmatively finds:

(i) the criteria in subsection (1) are met;

(ii) the applicant has proven by clear and convincing evidence that the rights of a prior appropriator will not be adversely affected;

(iii) the proposed appropriation is a reasonable use. Such a finding shall be based on a consideration of the following:

(A) the existing demands on the state water supply, as well as projected demands such as reservations of water for future beneficial purposes, including municipal water supplies, irrigation systems, and minimum streamflows for the protection of existing water rights and aquatic life;

(B) the benefits to the applicant and the state;

(C) the economic feasibility of the project;

(D) the effects on the quantity, quality, and potability of water for existing beneficial uses in the source of supply;

(E) the effects on private property rights by any creation of or contribution to saline seep; and

(F) the probable significant adverse environmental impacts of the proposed use of water as determined by the department pursuant to Title 75, chapter 1, or Title 75, chapter 20.

(b) A permit for an appropriation for a diversion for a consumptive use of 10,000 or more acre-feet of water a year or 15 or more cubic feet per second of water under this subsection may not be issued unless the department petitions the legislature and the legislature affirms the findings of the department."
Renumber: subsequent subsection

For the Senate:	For the House:
Senator Galt, Chairman	Representative Harper, Chairman
Senator Blaylock	Representative Iverson
Senator Lee	Representative Kemmis

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Correctly enrolled: SB 270, SB 428, SB 429, SB 456, SJR 5, SJR 22.

Examined by the sponsor (Conover) and found to be correct: SJR 22.
Examined by the sponsor (Etchart) and found to be correct: SB 428.
Examined by the sponsor (Fuller) and found to be correct: SB 456.
Examined by the sponsor (R. Manning) and found to be correct: SB 429.
Examined by the sponsor (Regan) and found to be correct: SB 270.
Examined by the sponsor (Thomas) and found to be correct: SJR 5.
Signed by the President at 9:30 a.m., 4/20/83: SB 270, SB 456, HB 16, HB 150, HB 285, HB 408, HB 429, HB 435, HB 637, HB 692, HB 716, HB 743, HB 780, HB 785, HB 870, HB 899, SJR 5, SJR 22.
Signed by the President at 11:15 a.m., 4/20/83: HB 750.
Signed by the President at 5:00 p.m., 4/20/83: SB 428, SB 429, HB 1, HB 58, HB 153, HB 317, HB 373, HB 418, HB 446, HB 526, HB 841, HB 890, HB 901, HB 922, HB 923, HB 924.
Delivered to the Governor for his approval at 2:30 p.m., 4/20/83: SB 247, SB 342.

TAXATION (Goodover, Chairman):
HJR 33, third reading copy, be amended as follows:

1. Page 9, line 3.
Strike: "$713,257,000"
Insert: "$722,425,400"

2. Page 9, line 18.
Strike: "$110,474,000 $117,075,000 $227,549,000"
Insert: "$113,099,000 $120,450,000 $233,549,000"

3. Page 9.
Following: line 20
Insert: "Assumptions: The inflation rates were lowered for FY84 and FY85 to reflect lower inflation rates used in the general appropriation bill, HB 447. Projected increases in collections attributable to an increase in staff for the Department of Revenue will amount to $3,750,000 over the biennium."

4. Page 10, line 25.
Strike: "30,567,000 30,567,000 61,134,000"
Insert: "32,317,000 32,317,000 64,634,000"

5. Page 11.
Following: line 8
Insert: "Pursuant to HB 454, interest from the Highway Special Revenue Fund will be credited to the general fund until July 1, 1985."

6. Page 13, line 13.
Strike: "1,483,000 1,049,000 2,532,000"
Insert: "2,133,000 1,699,000 3,832,000"

7. Page 13.
Following: line 13
Insert: "Assumptions: The anticipated tax revenue from increased production at the ASARCO mine amounts to $1,300,000 for the biennium."

8. Page 14, line 13.
Strike: "$341,963,000 $371,294,000 $713,257,000"
Insert: "$346,988,000 $377,069,000 $724,057,000"

9. Page 15, chart.

Strike: "HB 479" and remainder of the line
Strike: "HB 550" and remainder of the line
Strike: "HB 631" and remainder of the line
Strike: "HB 701" and remainder of the line
Strike: "HB 721" and remainder of the line

Line HB 45.

Strike:	"1,000	1,000	2,000"
Insert:	"700	700	1,400"

Line HB 65.

Strike:	"(259,000)	(284,000)	(543,000)"
Insert:	"(303,000)	(333,000)	(636,000)"

Line HB 125.

Strike:	"(144,000)	(144,000)	(288,000)"
Insert:	"(169,000)	(169,000)	(338,000)"

Line HB 227.

Strike:	"(704,000)	(704,000)	(1,408,000)"
Insert:	"(825,000)	(825,000)	(1,650,000)"

Line HB 264.

Strike:	"(79,000)	(95,000)	(174,000)"
Insert:	"(93,000)	(111,000)	(204,000)"

Line HB 511.

Strike:	"3,007,000	3,018,000	6,025,000"
Insert:	"3,500,000	3,500,000	7,000,000"

Line SB 244.

Strike:	"139,000	139,000	278,000"
Insert:	"169,000	163,000	332,000"

Following: line HB 264
Insert: "HB 400 displaced homemakers
125,000 125,000 250,000"

Following: line HB 673
Insert: "HB 682 ambul. licensing
34,000 36,000 70,000"

Following: line HB 739
Insert: "HB 747 beneficial use tax
500,000 500,000 1,000,000"

Following: line SB 53
Insert: "SB 56 waste generator fees
10,000 10,000 20,000
SB 84 move power lines
2,000 -0- 2,000
SB 190 inst. reimbursement
(203,000) (213,000) (416,000)
SB 232 cert. copy fee
(34,000) (34,000) (68,000)"

Following: line SB 244
Insert: "SB 312 increase per diem
(16,000) (16,000) (32,000)
SB 316 farm/ranch loans
(49,000) (49,000) (98,000)"

Line HB 465.

Strike: "457,000"
Insert: "467,000"

Line HB 739.
Strike: "(4,000,000) (4,000,000) (8,000,000)"
Insert: "(2,212,000) (2,290,000) (4,502,000)"

Line TOTAL.
Strike: "$(972,000) $(2,214,000) $(3,186,000)"
Insert: "$966,700 $(198,300) $768,400"

Following: line TOTAL
Insert: "Defeat of HB 550 Disallow Fed. Deduc. for Corp.
(1,200,000) (1,200,000) (2,400,000)"

10. Page 15.
Following: "WITH THE ADOPTION OF THE FOREGOING MEASURES THE GENERAL FUND TOTALS ARE:"
Strike: "$340,991,000 $369,080,000 $710,071,000"
Insert: "$346,754,700 $375,670,700 $722,425,400"

11. Page 16, line 2.
Strike: "$55,000,000"
Insert: "$24,000,000"

12. Page 16, line 3.
Following: "This"
Strike: "includes"
Insert: "excludes"

13. Page 16, line 4.
Following: "account"
Insert: "which is reappropriated in HB 919"

14. Page 16, chart.
Strike: "HB 419" and remainder of the line
Strike: "HB 460" and remainder of the line
Strike: "HB 550" and remainder of the line
Strike: "HB 631" and remainder of the line

Line HB 227.
Strike: "(31,000) (37,000) (68,000)"
Insert: "(275,000) (275,000) (550,000)"

Following: line HB 227
Insert: "HB 264 Alt. energy tax credit
(31,000) (37,000) (68,000)
HB 685 Mt capital companies
-0- (246,000) (246,000)"

Line HB 739.
Following: "INVESTMENT"
Strike: "CREDITS FOR CORPORATIONS"
Insert: "Tax credits"

Line SB 94.
Strike: "4,250,000 4,250,000 8,500,000"
Insert: "4,600,000 4,600,000 9,200,000"

Following: line SB 94
Insert: "SB 95 forest funds
-0- (1,499,000) (1,499,000)"

Following: line SB 244

Insert: "SB 316 farm/ranch loans
(16,000) (16,000) (32,000)
SB 413 windfall profits tax
-0- 7,100,000 7,100,000"

Line HB 739.
Strike: "(1,556,000) (1,622,000) (3,178,000)"
Insert: "(737,000) (763,000) (1,500,000)"

Line SB 244.
Strike: "55,000 55,000 111,000"
Insert: "56,000 54,000 110,000"
Adjust: totals accordingly

15. Page 16.
Following: chart
Insert: "BE IT FURTHER RESOLVED, that the defeat of HB 550 will have the effect of decreasing the revenue earmarked to the foundation trust account by $800,000 over the biennium.

BE IT FURTHER RESOLVED, that the anticipated ending balance on June 30, 1985 is expected to be $15,751,000, taking into consideration all appropriations, expenditures and reversions."

And, as amended, be concurred in. Report adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House, on 4/20/83, acceded to the request of the Senate and appointed a free conference committee to meet with a like committee from the Senate to confer on HB 885.

The Speaker appointed the following members:

Representative Spaeth, Chairman
Representative Jacobsen
Representative Lory

House bill passed and transmitted to the Senate for concurrence: 4/20/83

HJR 47, introduced by Vincent, Bardanouve

FIRST READING OF BILLS

The following House bill was introduced, read first time, and referred to committee:

HJR 47, introduced by Vincent, Bardanouve. Referred to Committee on State Administration.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Hazelbaker moved that the President be authorized to dissolve the conference committee on Senate amendments to HB 700 and that he appoint a free conference committee. Motion carried.

The President appointed the following members:

Senator McCallum, Chairman
Senator Hammond
Senator Towe

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Berg in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 447 - That the free conference committee report on HB 447 be adopted.

Substitute motion that the free conference committee report on HB 447 be rejected. Motion failed as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Norman, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 23

Noes: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 27

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That the free conference committee report on HB 447 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Marbut, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 31

Noes: Blaylock, Boylan, Christiaens, Conover, Daniels, Eck, Fuller, Haffey, Halligan, Jacobson, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Regan, Stimatz, Towe, Van Valkenburg.
Total 19

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Berg moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 5.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House, on 4/20/83, dissolved the free conference committee on HB 100 and appointed a new free conference committee to meet with a like committee from the Senate to confer on HB 100.

The Speaker appointed the following members:

Representative Kemmis, Chairman
Representative Harper
Representative Fabrega

ANNOUNCEMENT OF COMMITTEE MEETINGS

Free conference committee on HB 885 will meet at 7:30 a.m. on Thursday, April 21, 1983, in Room 310.

Conference committee on Governor's amendments to SB 335 will meet at 8:00 a.m. on Thursday, April 21, 1983, in Room 415.

Upon motion of Senator Hazelbaker, duly carried, the Senate adjourned at 8:08 p.m., until Thursday, April 21, 1983, at the hour of 9:00 a.m.

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

NINETIETH LEGISLATIVE DAY

Helena, Montana
April 21, 1983

Senate Chambers
State Capitol

Senate convened at 9:00 a.m., President Stephens presiding. Invocation by the Chaplain. Pledge of Allegiance to the Flag.

Roll call. All members present. Quorum present.

Mr. President: We, your Committee on Bills and Journal, having examined the daily journal for the eighty-ninth legislative day, find the same to be correct.

Tveit, Chairman

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):
Delivered to the Governor for his approval at 8:30 a.m., 4/21/83: SB 270, SB 456.

STATE ADMINISTRATION (Story, Chairman):
Communication of the Governor dated April 20, 1983, wherein the names of:

John Astle, Butte, Montana, appointed for a term ending January 7, 1985;

Lloyd Markell, Helena, Montana, appointed for a term ending January 7, 1985;

Jerald Hudspeth, Glendive, Montana, appointed for a term ending January 1, 1987;

Francis J. Raucci, Great Falls, Montana, appointed for a term ending January 1, 1987;

Alan L. Joscelyn, Helena, Montana, appointed for a term ending January 7, 1985;

were submitted as appointments to the:

Board of Personnel Appeals.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated April 14, 1983, wherein the names of:

P. L. Kathrein, O.D., Great Falls, Montana, appointed as an optometrist for a term ending April 3, 1987;

Sara Gertrude Malone, Big Fork, Montana, appointed as a public member for a term ending February 20, 1987;

were submitted as appointments to the:

Board of Optometrists.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated April 14, 1983, wherein the name of:

Donald L. Pimperton, Fort Benton, Montana, reappointed as a public member for a term ending March 31, 1984;

was submitted as a reappointment to the:

Board of Professional Engineers and Land Surveyors.

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

Communication of the Governor dated April 14, 1983, wherein the name of:

Charlie M. Byrne, Great Falls, Montana, appointed as a public member for a term ending July 1, 1985;

was submitted as an appointment to the:

Board of Public Accountants

Respectfully report as follows:

That said appointments be concurred in and confirmed by the Senate, and that the attached resolution be adopted by the Senate.

Be concurred in and confirmed. Report adopted.

HJR 47, be concurred in. Report adopted.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on HB 400
Report No. 1, April 20, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 400, met April 20, 1983, and considered the following:

HB 400

We recommend that:

HB 400 be further amended as indicated in clerical instruction 1.

The reference copy of HB 400 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 400 be adopted.

Clerical Instructions:

1. Insert: the following statement of intent:

"Statement of Intent
HB 400

This bill requires a Statement of Intent because Section 6 requires the Commissioner of Labor and Industry to adopt administrative rules relating to the displaced homemaker program. The rules shall prescribe eligibility requirements for benefit recipients, set fees for program services, and set criteria for making grants to agencies administering programs to aid displaced homemakers. In addition, Section 8 authorizes rules to prescribe the contents of annual reports from each program administrator."

For the Senate:

Senator Marbut, Chairman
Senator Tveit
Senator Regan

For the House:

Representative Waldron, Chairman
Representative Jones
Representative Saunders

Free Conference Committee
on HB 871
Report No. 1, April 20, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 871, met April 20, 1983, and considered the amendments of the following committees:

Senate Committee on Business and Industry (3/23/83)

We recommend that:

The House accede to Standing Committee amendments 1 through 7.

The Senate recede from Standing Committee amendment 8.

HB 871 be further amended as indicated in clerical instruction 1.

The reference copy of HB 871 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 871 be adopted.

Clerical Instructions:

1. Page 30, line 12.
Following: "~~accountability~~"
Strike: "INCLUDE" on line 12 through "ACCOUNTABILITY" on line 17
Insert: "include at least one person representing each of the following:

(a) the financial community;

(b) small business;

(c) agriculture; and

(d) labor"

For the Senate:

Senator Kolstad, Chairman
Senator Lee
Senator Christiaens

For the House:

Representative Harper, Chairman
Representative Fagg
Representative Schye

Free Conference Committee
on HB 656
Report No. 2, April 20, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 656, met April 20, 1983, and considered the amendments of the following committees:

Senate Standing Committee (3/7/83)

Senate Committee of the Whole (3/15/83)

We recommend that:

The House accede to all Senate amendments.

HB 656 be further amended as indicated in clerical instructions 1 through 6.

The reference copy of HB 656 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 656 be adopted.

Clerical Instructions:

1. Title, line 8.
Strike: "SECTION"
Insert: "SECTIONS"
Following: "2-17-101,"
Insert: "5-17-101 THROUGH 5-17-103,"
Following: "MCA"
Insert: "; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE"

2. Page 1, line 20.
Following: "(2)"
Strike: remainder of subsection
Insert: "The location of the chambers for the house of representatives shall be determined in the sole discretion of the house of representatives. The location of the chambers of the senate shall be determined in the sole discretion of the senate.

(3) The department of administration, with the advice of the capitol building and planning committee, shall allocate other space for the use of the legislature, including but not limited to space for committee rooms and legislative offices.

Section 2. THERE IS A NEW MCA SECTION THAT READS:

"Remodeling and renovation — senate chambers and former supreme court chambers to be preserved. (1) Notwithstanding the provisions of Title 5, chapter 17, part 1, the department of administration shall proceed with the plans for the remodeling and renovation of the state capitol building for which moneys were appropriated by the 47th legislative assembly and reappropriated by the 48th legislative assembly.

(2) In proceeding with such plans, the department of administration shall consult with the capitol building and planning committee provided for in 5-17-101; however, such plans and the implementation of such plans need not be reported to the 49th legislative assembly before implementation.

(3) The department of administration in the implementation of such plans shall keep and maintain the senate chambers in its present location.

(4) If future senate bodies should determine that the location of the senate chambers is to be moved, the department of administration shall keep and maintain the physical structure and location of the present senate chambers as a single room which shall be used for legislative purposes. Such room shall not be divided in any manner and the artwork and the height of the ceiling shall be maintained and preserved.

(5) The department of administration shall keep and maintain the physical structure and location of the supreme court chambers which were occupied by the Montana Supreme Court until the new justice building was completed and dedicated in 1983 as a single room which shall be used for legislative committee purposes. Such room shall not be divided in any manner and the artwork and the height of the ceiling shall be maintained and preserved."

Section 3. THERE IS A NEW MCA SECTION THAT READS:

"Allocation of senate and house of representatives work space. In the implementation of the plans for remodeling and renovation of the state capitol building referred to in this act, the department of administration after having allocated adequate space for the leadership of the house of representatives and the senate and staff, work, and committee room space, shall, with respect to any space in excess of such needs, divide any office space on a proportionate basis determined by the number of house of representatives members and the number of senate members."

Section 4. Section 5-17-101, MCA, is amended to read:

"5-17-101. Capitol building and planning committee — appointment, composition, and meetings. (1) There is a capitol building and planning committee consisting of 16 members as follows:

(a) six members of the house of representatives appointed by the speaker on a bipartisan basis;

(b) six members of the senate appointed by the committee on committees on a bipartisan basis;

(c) the director of the department of administration <u>who shall serve as a nonvoting member</u>;

(d) the administrator of the architectural and engineering division of the department of administration <u>who shall serve as a nonvoting member</u>;

(e) a representative of the governor's office designated by the governor <u>who shall serve as a nonvoting member</u>; and

(f) the director of the Lewis and Clark areawide planning organization who shall serve as a nonvoting member.

(2) The committee shall select a chairman who may call meetings at his discretion for the conduct of committee business."

Section 5. Section 5-17-102, MCA, is amended to read:

"5-17-102. Function of committee — capitol area master plan. (1) The function of the committee is to establish and maintain a master plan for the orderly development of state buildings in the immediate area of the capital city. The master plan shall be developed and maintained with consideration given to the following factors:

(a) the needs of the state relative to the location and design of buildings to be constructed, purchase of land, parking facilities, traffic management, and landscaping;

(b) the ordinances, plans, requirements, and proposed improvements of the city of Helena and Lewis and Clark County based without limitation upon zoning regulations, population trends, and plans for rapid transit development;

(c) any other factors that bear upon the orderly, integrated, and cooperative development of the state, the city of Helena, Lewis and Clark County, and of state property in the immediate area of the capital city.

(2) The committee shall consult with and advise the department of administration concerning the assignment of space in the capitol complex and the actual placement of busts, statues, memorials, or art displays of a permanent nature within public areas of the capitol complex. No such item may be permanently displayed unless authorized by the legislature.

(3) The committee shall serve as a long-range building committee to recommend to the legislature and the department of administration construction and remodeling priorities for the capitol complex.

~~(4) The committee shall serve as the legislature's representative in the preparation and implementation of plans for renovation and remodeling of the capitol. In this capacity the committee may decide, based on its study and analysis, the allocation and use of space in the capitol, including without limitation the location of legislative chambers and committee rooms following any remodeling. Allocation of space shall include adequate space in the capitol for the staff of the legislative finance committee, legislative audit committee, and the legislative council.~~"

Section 6. Section 5-17-103, MCA, is amended to read:

"5-17-103. Report to legislature. The committee shall prepare a written report of its activities and recommendations and present the report to the legislature at each regular session for the purpose of assisting the legislature in determining if such recommendations should be implemented. To prepare its report and recommendations, the committee may receive assistance from the legislative council."

NEW SECTION. Section 7. Effective date. This act is effective on passage and approval."

For the Senate:	For the House:
Senator Goodover, Chairman	Representative Menahan, Chairman
Senator Turnage	Representative Fabrega
Senator Graham	Representative Metcalf

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

April 21, 1983

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 247, 342.

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Conference committee reports adopted: 4/20/83

Conference committee report on SB 317

Conference committee report on HB 739

Free conference committee reports adopted: 4/20/83

Free conference committee report on SB 48

Free conference committee report on SB 312

Free conference committee report on SB 401

Free conference committee report on HB 68

Free conference committee report on HB 83

Free conference committee report on HB 118

Free conference committee report on HB 540

Free conference committee report on HB 606

Free conference committee report on HB 656

Free conference committee report on HB 742

Free conference committee report on HB 749

Free conference committee report on HB 776

Free conference committee report on HB 897

Free conference committee report on HB 908

Senate amendments to House bill concurred in: 4/20/83

HB 171, introduced by Williams, Yardley

Governor's amendments to House bill concurred in and returned to the Senate for concurrence in Governor's amendments: 4/20/83

HB 747, introduced by Marks, et al.

The House, on 4/20/83, dissolved the new free conference committee on HB 100 and appointed another new free conference committee to meet with a like committee from the Senate to confer on HB 100.

The Speaker appointed the following members:

Representative Kemmis, Chairman
Representative Vincent
Representative Fabrega

The House, on 4/20/83, appointed a free conference committee to meet with a like committee from the Senate to confer on SB 335.

The Speaker appointed the following members:

Representative Neuman, Chairman
Representative Yardley
Representative Bertelsen

The House, on 4/20/83, dissolved the conference committee on HB 700 and appointed a free conference committee to meet with a like committee from the Senate to confer on HB 700.

The Speaker appointed the following members:

Representative Harper, Chairman
Representative Darko
Representative Fabrega

The House, on 4/20/83, dissolved the conference committee on HB 871 and appointed a free conference committee to meet with a like committee from the Senate to confer on HB 871.

The Speaker appointed the following members:

Representative Harper, Chairman
Representative Fagg
Representative Schye

MOTIONS

Senator Turnage moved that HB 900 be taken from third reading and that it be referred to second reading at the top of the board. Motion carried unanimously.

Senator Hazelbaker moved that the President be authorized to dissolve the free conference committee on HB 100 and that he appoint a new free conference committee. Motion carried.

The President appointed the following members:

Senator Elliott, Chairman
Senator Dover
Senator Van Valkenburg

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on HB 700
Report No. 1, April 20, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 700, met April 20, 1983, and considered the amendments of the following committees:

Senate Committee on Business and Industry (3/23/83)

We recommend that:

The House accede to Standing Committee amendments 1 through 4.

The Senate recede from Standing Committee amendment 5.

HB 700 be further amended as indicated in the clerical instructions.

The reference copy of HB 700 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 700 be adopted.

Clerical Instructions:

1. Page 31, line 19.
Following: "~~public~~"
Strike: "INTEREST" on line 19 through "ACCOUNTABILITY" on line 25
Insert: "include at least one person representing each of the following:

(a) the financial community;

(b) small business;

(c) agriculture; and

(d) labor"

For the Senate:

Senator McCallum, Chairman
Senator Hammond
Senator Towe

For the House:

Representative Harper, Chairman
Representative Darko
Representative Fabrega

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Galt in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 900 - That HB 900, third reading copy, be amended as follows:

1. Strike: Senate Committee of the Whole amendment

Amendment passed as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

That HB 900, as amended, be concurred in. Motion carried as follows: (The Committee of the Whole amendment was stripped, so the bill remains in its original form as transmitted.)

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 83 - That the free conference committee report on HB 83 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 170 - That the free conference committee report on SB 170 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 908 - That the free conference committee report on HB 908 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker,

Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 33 - That HJR 33, without objection, be moved to the bottom of the board.

HB 739 - That the free conference committee report on HB 739 be adopted.

Substitute motion that the free conference committee report on HB 739 be rejected. Motion failed as follows:

Ayes: Aklestad, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hammond, Keating, Kolstad, Lee, McCallum, Mohar, Ochsner, Severson, Smith, Story, Tveit, Mr. President.
Total 20

Noes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Hazelbaker, Jacobson, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Norman, Regan, Shaw, Stimatz, Thomas, Towe, Turnage, Van Valkenburg.
Total 28

Excused: None.
Total 0

Absent or not voting: Hager, Himsl.
Total 2

That the free conference committee report on HB 739 be adopted. Motion carried as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Eck, Elliott, Fuller, Graham, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Norman, Regan, Stimatz, Thomas, Towe, Turnage, Van Valkenburg.
Total 28

Noes: Aklestad, Crippen, Dover, Etchart, Gage, Galt, Goodover, Hammond, Keating, Kolstad, Lee, Marbut, McCallum, Mohar, Ochsner, Severson, Shaw, Smith, Story, Tveit, Mr. President.
Total 21

Excused: None.
Total 0

Absent or not voting: Hager.
Total 1

HB 871 - That the free conference committee report on HB 871 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Galt moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 447, free conference committee report, adopted as follows:

Ayes: Aklestad, Blaylock, Boylan, Brown, Christiaens, Crippen, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Hager, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, D. Manning, Marbut, McCallum, Norman, Ochsner, Regan, Severson, Smith, Story, Thomas, Turnage, Tveit, Mr. President.
Total 35

Noes: Berg, Conover, Dover, Haffey, Halligan, Jacobson, Lynch, R. Manning, Mazurek, Mohar, Shaw, Stimatz, Towe, Van Valkenburg.
Total 14

Excused: None.
Total 0

Absent or not voting: Daniels.
Total 1

HB 900 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 909 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Shaw.
Total 1

Excused: None.
Total 0

Absent or not voting: Etchart.
Total 1

HJR 9 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 43

Noes: Aklestad, Christiaens, Gage, Goodover, Mohar, Shaw, Tveit.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 118, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Shaw.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 118, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Etchart, Fuller, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Boylan, Gage, Galt, Lee, Shaw.
Total 5

Excused: None.
Total 0

Absent or not voting: Elliott.
Total 1

HB 776, free conference committee report, adopted as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 43

Noes: Aklestad, Hammond, Himsl, Lee, Mohar, Shaw, Tveit.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 40 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Christiaens, Hammond, Mohar, Shaw.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 414, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.

Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SJR 23, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: Hammond, Shaw.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 312, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Boylan, Dover, Galt, Goodover, Hammond, Lee, Ochsner, Shaw.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 317, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Shaw.
Total 1

Excused: None.

Total 0

Absent or not voting: None.
Total 0

SB 401, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Shaw.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Kolstad moved that the free conference committee report on SB 451 be taken from third reading and that it be referred to second reading. Motion carried unanimously.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 540, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 47

Noes: Mohar, Shaw, Van Valkenburg.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 606, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Christiaens, Conover, Daniels, Dover, Eck, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R.

Manning, Marbut, McCallum, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Mr. President.
Total 38

Noes: Blaylock, Boylan, Brown, Crippen, Elliott, Gage, Keating, Mazurek, Mohar, Norman, Shaw, Van Valkenburg.
Total 12

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SPECIAL ORDERS OF THE DAY

Senator Story moved that the appointment of John Astle, Butte, Montana, appointed for a term ending January 7, 1985; Lloyd Markell, Helena, Montana, appointed for a term ending January 7, 1985; Jerald Hudspeth, Glendive, Montana, appointed for a term ending January 1, 1987; Francis J. Raucci, Great Falls, Montana, appointed for a term ending January 1, 1987; and Alan L. Joscelyn, Helena, Montana, appointed for a term ending January 7, 1985, to serve at the pleasure of the Governor on the Board of Personnel Appeals in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Shaw.
Total 1

Excused: None.
Total 0

Absent or not voting: Blaylock, Graham.
Total 2

Senator Story moved that the appointment of P. L. Kathrein, O.D., Great Falls, Montana, appointed for a term ending April 3, 1987; and Sara Gertrude Malone, Big Fork, Montana, appointed for a term ending February 20, 1987, to serve at the pleasure of the Governor on the Board of Optometrists in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Donald L. Pimperton, Fort Benton, Montana, reappointed for a term ending March 31, 1984, to serve at the pleasure of the Governor on the Board of Professional Engineers and Land Surveyors in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Story moved that the appointment of Charlie M. Byrne, Great Falls, Montana, appointed for a term ending July 1, 1985, to serve at the pleasure of the Governor on the Board of Public Accountants in accordance with the Senate Resolution, be voted upon with the ayes and nays spread upon the Journal. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

ANNOUNCEMENT OF COMMITTEE MEETINGS

Free conference committee on HB 100 will meet immediately upon recess in Room 224.

Senate recessed at 10:02 a.m. until 11:30 a.m. this legislative day.

Senate resumed at 11:30 a.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 8.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Galt in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HJR 33 - That HJR 33, without objection, be moved to the bottom of the board.

SB 451 - That the free conference committee report on SB 451, without objection, be moved to the bottom of the board.

HB 400 - That the free conference committee report on HB 400 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 656 - That the free conference committee report on HB 656 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 47 - That HJR 47 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 33 - That HJR 33, third reading copy, be amended as follows:

1. Page 9, line 13.
Strike: "$713,257,000"
Insert: "$726,521,000"

2. Page 10, line 25.

Strike:	"30,567,000	30,567,000	64,634,000"
Insert:	"30,055,000	33,072,000	63,127,000"

3. Page 11, line 5.
Strike: "$264"
Insert: "$260"

4. Page 11, line 6.
Strike: "10%"
Insert: "9.3%"

5. Page 11, line 7.
Strike: "10%"
Insert: "10.3%"

6. Page 11, line 10.

Strike:	"18,426,000	24,175,000	42,601,000"
Insert:	"18,725,000	24,575,000	43,300,000"

7. Page 12, line 5.

Strike:	"42,232,000	42,609,000	84,841,000"
Insert:	"44,768,500	45,163,500	89,932,000"

8. Page 12, line 11.
Strike: "$25.00"
Insert: "$26.50"

9. Page 12, line 22.

Strike:	"12,451,000	14,490,000	26,941,000"
Insert:	"11,749,000	13,039,000	24,788,000"

10. Page 13, line 13.

Strike:	"1,483,000	1,049,000	2,532,000"
Insert:	"2,283,000	1,849,000	4,132,000"

11. Page 13, line 22.

Strike:	"2,551,000	2,767,000	5,318,000"
Insert:	"2,400,000	2,161,000	4,561,000"

12. Page 14, line 3.

Strike:	"3,083,000	3,442,000	6,525,000"

Insert: "3,299,000 4,017,000 7,316,000"

13. Page 14, line 13.
Strike: "$341,963,000 $371,294,000 $713,257,000"
Insert: "$347,074,500 $379,446,500 $726,521,000"

14. Following: line SB 398
Insert: "HB 418 Block Grants (15,741,000) (15,847,000) (31,588,000)"
Adjust: totals accordingly

15. Page 16.
Following: chart
Insert: "BE IT FURTHER RESOLVED, that the following adjustments to general fund revenue must be made:

(1) Failure to pass HB 550 (Baker Bank Case) (2,400,000)

(2) Interest on funds received under HB 16 and HB 511 $3,500,000"

16. Standing Committee amendment 15.
Strike: "$15,751,000"
Insert: "$20,400,000"

Substitute motion that consideration on HJR 33 be passed. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Galt moved the adoption of the committee report. Report adopted.

ANNOUNCEMENT OF COMMITTEE MEETINGS

Announcements of committee meetings were made.

Senate recessed at 11:55 a.m. until 2:00 p.m. this legislative day.

Senate resumed at 2:02 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

Conference Committee
on HB 745
Report No. 1, April 21, 1983

Mr. President and Speaker of the House:

We, your conference committee on HB 745, met April 21, 1983, and considered the amendments of the following committees:

Senate Committee on Finance and Claims (4/14/83)

Senate Committee of the Whole (undated)

We recommend that:

The House accede to Standing Committee amendments.

The House accede to Committee of the Whole amendments.

The conference committee report on HB 745 be adopted.

For the Senate:	For the House:
Senator Kolstad, Chairman	Representative Schye, Chairman
Senator Lee	Representative Bardanouve
Senator Norman	Representative Compton

Free Conference Committee
on SB 335
Report No. 1, April 21, 1983

Mr. President and Speaker of the House:

We, your free conference committee on SB 335, met April 21, 1983, and considered the following:

Governor's proposed amendments (4/20/83)

We recommend that:

The Senate and House accede to the Governor's proposed amendments 1 through 6.

The Senate and House accede to the Governor's proposed amendment 7 as amended in clerical instruction 1.

The reference copy of SB 335 be amended to read as specified in the clerical instructions.

The free conference committee report on SB 335 be adopted.

Clerical Instructions:

1. Governor's proposed amendment 7 is amended to read:

"7. Page 5, lines 15 through 25.
Strike: section 6 in its entirety
Insert: "Section 14. Contingent effective dates — applicability dates. (1) Section 1 is effective on passage and approval and ~~if and only if a final determination is reached in current pending litigation, and all potential appeals are exhausted or barred, that the interest income from certain federal obligations is not includable in the net income measurement base of the Montana corporation license tax. If section 1 becomes effective it~~ applies retroactively, within the meaning of 1-2-109, to taxable periods beginning on and after

December 31, 1978 (the effective date of Chapter 634, Laws of 1979), for which a corporation has excluded interest income based upon federal law or for which a corporation has included interest income and subsequently claims a refund of taxes paid based upon federal law.

(2) Sections 2 and 3 are effective on passage and approval. Section 2 applies to taxable periods beginning after December 31, 1982. Section 3 applies retroactively, within the meaning of 1-2-109, to taxable periods beginning after December 31, 1978.

(3) Sections 4 through 11 are effective if and only if the method of calculating the measure of the tax provided for in section 1 is finally held to be unconstitutional or invalid. If section 1 is finally held to be unconstitutional or invalid, sections 4 through 11 apply to taxable periods beginning January 1 of the calendar year in which section 1 is finally held unconstitutional or invalid. If section 1 is challenged in court and held by a final decision of the court to be constitutional and valid, and all potential appeals are exhausted or barred, then sections 4 through 11 are repealed."

For the Senate:

Senator Turnage, Chairman
Senator Brown
Senator Towe

For the House:

Representative Yardley, Chairman
Representative Neuman
Representative Bertelsen

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Galt in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 451 - That the free conference committee report on SB 451 be rejected. Motion carried as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Blaylock, Daniels.
Total 2

SB 335 - That the free conference committee report on SB 335 be adopted.

Substitute motion that the committee rise and report and beg leave to sit again. Motion failed as follows:

Ayes: Berg, Blaylock, Boylan, Christiaens, Conover, Daniels, Eck, Fuller, Graham, Haffey, Halligan, Jacobson, Lane, Lynch, D. Manning, R. Manning, Mazurek, Mohar, Regan, Stimatz, Thomas, Towe, Van Valkenburg.
Total 23

Noes: Aklestad, Brown, Crippen, Dover, Elliott, Etchart, Gage, Galt, Goodover, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lee, Marbut, McCallum, Norman, Ochsner, Severson, Shaw, Smith, Story, Turnage, Tveit, Mr. President.
Total 26

Excused: None.
Total 0

Absent or not voting: Hager.
Total 1

That the free conference committee report on SB 335 be adopted. Motion failed as follows:

Ayes: Aklestad, Blaylock, Brown, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Goodover, Halligan, Hazelbaker, Keating, Lane, Norman, Ochsner, Shaw, Smith, Story, Turnage, Van Valkenburg, Mr. President.
Total 22

Noes: Berg, Boylan, Christiaens, Conover, Dover, Gage, Galt, Graham, Haffey, Hager, Hammond, Himsl, Jacobson, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Regan, Severson, Stimatz, Thomas, Towe, Tveit.
Total 28

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 745 - That the free conference committee report on HB 745, without objection, be moved to the bottom of the board.

HB 700 - That the free conference committee report on HB 700 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 745 - That the conference committee report on HB 745 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Galt moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

SB 418, Governor's amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Gage, Lynch, Thomas.
Total 3

HJR 4 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Norman, Ochsner, Regan, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 44

Noes: Dover, Himsl, Marbut, Mohar, Severson, Smith.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 41 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Mohar, Norman, Regan, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Dover, Galt, Hammond, Himsl, Marbut, Ochsner, Severson.
Total 7

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 43 concurred in as follows:

Ayes: Berg, Boylan, Brown, Christiaens, Conover, Crippen, Eck, Elliott, Etchart, Fuller, Gage, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 41

Noes: Aklestad, Blaylock, Daniels, Dover, Galt, Hammond, Marbut, Story, Tveit.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 44 concurred in as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Eck, Elliott, Etchart, Fuller, Gage, Galt, Graham, Haffey, Hazelbaker, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Norman, Ochsner, Regan, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Mr. President.
Total 34

Noes: Blaylock, Daniels, Dover, Goodover, Hager, Halligan, Hammond, Himsl, Keating, Marbut, Mazurek, McCallum, Mohar, Smith, Tveit, Van Valkenburg.
Total 16

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 48, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Etchart, Goodover, Shaw.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 426, Governor's amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 68, free conference committee report, adopted as follows:

Ayes: Aklestad, Blaylock, Boylan, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 46

Noes: Berg, Brown, Himsl, Shaw.
Total 4

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 742, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan,

Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Shaw.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 749, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 897, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Shaw.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 228, Governor's amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 426, Governor's amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Shaw.
Total 1

Excused: None.
Total 0

Absent or not voting: Goodover, Marbut.
Total 2

HB 715, Governor's amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Marbut.
Total 1

HB 721, Governor's amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 400, free conference committee report, adopted as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Stimatz, Thomas, Towe, Turnage, Van Valkenburg, Mr. President.
Total 42

Noes: Aklestad, Etchart, Hammond, Keating, Shaw, Smith, Tveit.
Total 7

Excused: None.
Total 0

Absent or not voting: Story.
Total 1

HB 656, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HJR 47 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 833 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 47

Noes: Aklestad, Gage, Shaw.
Total 3

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 928 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: McCallum.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 83, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: R. Manning, Shaw.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Turnage moved that the free conference committee on SB 170 be taken from third reading and that it be referred to second reading. Motion carried unanimously.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 908, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 48

Noes: R. Manning, Shaw.
Total 2

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 739, conference committee report, adopted as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Daniels, Eck, Elliott, Fuller, Graham, Haffey, Halligan, Hazelbaker, Himsl, Jacobson, Lynch, D. Manning, R. Manning, Mazurek, Norman, Ochsner, Regan, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 32

Noes: Aklestad, Crippen, Dover, Etchart, Gage, Galt, Goodover, Hammond, Keating, Kolstad, Lane, Lee, Marbut, McCallum, Mohar, Severson, Shaw.
Total 17

Excused: None.
Total 0

Absent or not voting: Hager.
Total 1

HB 871, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 700, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 745, conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Turnage moved that the President be authorized to dissolve the free conference committee on Governor's amendments to SB 335 and that a new free conference committee be appointed. Motion carried.

The President appointed the following members:

Senator Turnage, Chairman
Senator Eck
Senator Brown

At the request of the President, and without objection, the Senate reverted to Order of Business No. 1.

COMMUNICATIONS AND PETITIONS

The Honorable Ted Schwinden
Governor of the State of Montana
State Capitol
Helena, Montana 59620

April 21, 1983

The Honorable Daniel Kemmis
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Governor Schwinden and Representative Kemmis:

As a courtesy to your office, this is to advise you that the Montana Senate, in compliance with the constitutional mandate to conclude the forty-eighth legislative session on schedule, plans to adjourn sine die at 6:00 p.m., Thursday, April 21, 1983.

We plan to convene at 2:00 p.m. this day and process the remaining items on second and third reading. We will then recess and be available to further consider any other matters that may come before us prior to 6:00 p.m. this day. Should there be no further business to transact prior to the hour of 6:00 p.m., we will as earlier stated in this letter, adjourn sine die.

I want to emphasize that it is not the desire of the Montana Senate to force a special session of the Montana Legislature but rather to conclude this session on schedule. In order to afford all parties concerned with this issue, we feel it is proper to provide you with advance notice of our intention and to provide a reasonable time frame in which to conclude any matters that should properly be resolved in this session.

Sincerely,

Stan Stephens
President

ANNOUNCEMENT OF COMMITTEE MEETINGS

Senate recessed subject to the call of the Chair at 2:50 p.m.

Senate resumed at 3:31 p.m.

Senate recessed at 3:32 p.m. until 4:00 p.m. this legislative day.

Senate resumed at 4:03 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 5.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

Conference committee report adopted: 4/21/83

Conference committee report on HB 745

Free conference committee report rejected, indefinitely postponed, and returned to the Senate: 4/20/83

Free conference committee report on SB 451

Senate bill indefinitely postponed and returned to the Senate: 4/21/83

SB 452, introduced by Fuller

Senate bill concurred in as amended and returned to the Senate for concurrence in House amendments: 4/21/83

SB 465, introduced by Turnage, Towe

Senate bill concurred in and returned to the Senate: 4/21/83

SJR 12, introduced by Towe, et al.

Governor's amendments to Senate bill not concurred in and returned to the Senate: 4/21/83

SB 159, introduced by Keating, et al.

Free conference committee reports adopted: 4/21/83

Free conference committee report on HB 400

Free conference committee report on HB 656

Free conference committee report on HB 700

Free conference committee report on HB 871

Free conference committee reports rejected and returned to the Senate: 4/21/83

Free conference committee report on SB 170

Free conference committee report on SB 451

The House, on 4/21/83, dissolved the free conference committee on SB 170 and appointed a new free conference committee to meet with a like committee from the Senate to confer on SB 170.

The Speaker appointed the following members:

Representative Addy, Chairman
Representative Ramirez
Representative Darko

The House, on 4/21/83, dissolved the free conference committee on HB 447 and appointed a new free conference committee to meet with a like committee from the Senate to confer on HB 447.

The Speaker appointed the following members:

Representative Bardanouve, Chairman
Representative Donaldson
Representative Waldron

The House, on 4/21/83, dissolved the free conference committee on SB 335 and returned SB 335, introduced by Towe, et al. to the Senate.

MOTIONS

Senator Turnage moved that the rules be temporarily suspended in order to receive the amendment to SB 465. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Thomas.
Total 1

Senator Turnage moved to dissolve the conference committee on Governor's amendments to SB 335. Motion carried unanimously.

Senator Turnage moved that the Senate reconsider its action in adopting the adverse committee report on Governor's amendments to SB 335 and that it be referred to second reading. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Brown, Conover, Crippen, Daniels, Dover, Eck, Elliott, Fuller, Galt, Goodover, Hager, Halligan, Hammond, Hazelbaker, Kolstad, Lane, Marbut, Mazurek, Norman, Regan, Shaw, Smith, Story, Turnage, Van Valkenburg, Mr. President.
Total 29

Noes: Boylan, Christiaens, Etchart, Gage, Graham, Haffey, Himsl, Jacobson, Lee, Lynch, R. Manning, McCallum, Mohar, Ochsner, Severson, Stimatz, Thomas, Towe, Tveit.
Total 19

Excused: None.
Total 0

Absent or not voting: Keating, D. Manning.
Total 2

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Galt in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 170 - That the free conference committee report on SB 170 be rejected. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 465 - That House amendments to SB 465 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker,

Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 747 - That the Governor's amendments to HB 747 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 335 - That the Governor's amendments to SB 335 be concurred in. Motion failed as follows:

Ayes: Blaylock, Brown, Daniels, Eck, Elliott, Hazelbaker, Lane, Norman, Regan, Shaw, Smith, Story, Turnage, Van Valkenburg, Mr. President.
Total 15

Noes: Aklestad, Berg, Boylan, Christiaens, Conover, Crippen, Dover, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Himsl, Jacobson, Keating, Kolstad, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Ochsner, Severson, Stimatz, Thomas, Towe, Tveit.
Total 35

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Galt moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

New Free Conference Committee
on SB 170
Report No. 1, April 21, 1983

Mr. President and Speaker of the House:

We, your new free conference committee on SB 170, met April 21, 1983, and considered the amendments of the following committees:

House Committee on Judiciary (3/14/83)

We recommend that:

The Senate accede to Standing Committee amendment 2.

The House recede from Standing Committee amendments 1 and 3.

SB 170 be further amended as indicated in the clerical instructions.

The reference copy of SB 170 be amended to read as specified in the clerical instructions.

The new free conference committee report on SB 170 be adopted.

Clerical Instructions:

1. Title, line 7.
Strike: "ELIMINATING"
Insert: "AND TO MODIFY"

2. Title, line 12.
Strike: "REPEALING"
Insert: "AMENDING"

3. Page 1, line 15.
Strike: all of the bill following the enacting clause
Insert: "Section 1. Section 70-30-321, MCA, is amended to read:

"70-30-321. Sale of property acquired for public use when use abandoned — procedure. (1) ~~Whenever~~ Except as provided in subsection (3), a person who has acquired a real property interest for a public use, whether by right of eminent domain or otherwise, abandons such public use and places such interest for sale, the seller may sell the interest to the highest bidder at public auction.

(2) In the event the seller decides to sell an interest in real property as set forth in subsection (1), he shall publish notice of the public sale in a newspaper published in the county in which the real property interest is located once a week for 4 successive weeks. Sale shall be held in the county where the real property interest is located. The notice of sale shall contain the information required by 77-2-322.

(3) When an interest other than a fee simple interest in property, which has been acquired for a public purpose by right of eminent domain, or otherwise, is abandoned or the purpose for which it was acquired is terminated, the property reverts to the original owner or his successor in interest."

Section 2. Section 70-30-322, MCA, is amended to read:

"70-30-322. Option of original owner or successor in interest to purchase at sale price. (1) ~~The~~ Except as provided in subsection (3),

the owner from whom the real property interest was originally acquired by eminent domain or otherwise or, if there is a successor in interest, the successor in interest shall have the option to purchase the interest by offering therefor an amount of money equal to the highest bid received for the interest at a sale provided for in 70-30-321. If more than one person claims an equal entitlement, the option may not be exercised.

(2) If no bids are received by the seller and the optionholder indicates in writing to the seller that he wishes to exercise the option, the seller shall have the real property interest appraised and sell the interest at that price to the optionholder.

(3) When an interest other than a fee simple interest in property, which has been acquired for a public purpose by right of eminent domain, or otherwise, is abandoned or the purpose for which it was acquired is terminated, the property reverts to the original owner or his successor in interest."

Section 3. Saving clause. This act does not affect rights and duties that matured, property that was acquired, penalties that were incurred, or proceedings that were begun before the effective date of this act."

For the Senate:

Senator Turnage, Chairman
Senator Crippen
Senator Boylan

For the House:

Representative Addy, Chairman
Representative Darko
Representative Ramirez

Free Conference Committee
on HB 885
Report No. 1, April 21, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 885, met April 21, 1983, and considered the amendments of the following committees:

Senate Committee on Finance and Claims (4/14/83)

Senate Committee of the Whole (4/14/83)

We recommend that:

The House accede to Standing Committee amendments 1, 2, and 8.

The House accede to Standing Committee amendments 3, 4, 5, 6, and 7, as amended in clerical instructions 1, 2, 4 through 8, and 10 through 19.

The House accede to Committee of the Whole amendment 1.

HB 885 be further amended as indicated in clerical instructions 3, 5, 9, 20, and 21.

The reference copy of HB 885 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 885 be adopted.

Clerical Instructions:

1. Page 4, line 11.
Strike: "(Q) WHITEFISH SEWER SYSTEM IMPROVEMENTS;"
Renumber: subsequent subsections

2. Page 5, line 15.
Strike: "$12,982,281"
Insert: "$17,044,735"

3. Page 6, line 23.
Following: "COSTS"
Insert: "for which the department is legally liable"

4. Page 9, line 24.
Strike: "$18,981,781"
Insert: "$17,044,735"

5. Page 11, line 16.
Strike: "6% INTEREST RATE"
Insert: "7% interest rate for the first 5 years following loan issuance and at the full bond rate thereafter"
Following: "RATE."
Insert: "A pro rata share, based on the amount of the loan, of the incurred administrative costs must be repaid."

6. Page 11, line 24.
Strike: "6% INTEREST RATE"
Insert: "7% interest rate for the first 5 years following loan issuance and at the full bond rate thereafter"
Following: "RATE."
Insert: "A pro rata share, based on the amount of the loan, of the incurred administrative costs must be repaid."

7. Page 12, line 6.
Strike: "6% INTEREST RATE"
Insert: "7% interest rate for the first 5 years following loan issuance and at the full bond rate thereafter"
Following: "RATE."
Insert: "A pro rata share, based on the amount of the loan, of the incurred administrative costs must be repaid."

8. Page 15, line 8.
Strike: "6% INTEREST RATE"
Insert: "7% interest rate for the first 5 years following loan issuance and at the full bond rate thereafter"
Following: "RATE."
Insert: "A pro rata share, based on the amount of the loan, of the incurred administrative costs must be repaid."

9. Page 15, lines 16 and 17.
Following: "Bench"
Strike: "gravity company"
Insert: "Irrigation District"

10. Page 17, line 9.
Strike: "6% INTEREST RATE"
Insert: "7% interest rate for the first 5 years following loan issuance and at the full bond rate thereafter"
Following: "RATE."
Insert: "A pro rata share, based on the amount of the loan, of the incurred administrative costs must be repaid."

11. Page 17, lines 10 through 18.
Strike: subsection "(O)" in its entirety
Renumber: subsequent subsections

12. Page 18, line 2.

Strike: "6% INTEREST RATE"
Insert: "7% interest rate for the first 5 years following loan issuance and at the full bond rate thereafter"
Following: "RATE."
Insert: "A pro rata share, based on the amount of the loan, of the incurred administrative costs must be repaid."

13. Page 18, line 11.
Strike: "6% INTEREST RATE"
Insert: "7% interest rate for the first 5 years following loan issuance and at the full bond rate thereafter"
Following: "RATE."
Insert: "A pro rata share, based on the amount of the loan, of the incurred administrative costs must be repaid."

14. Page 18, line 22.
Strike: "6% INTEREST RATE"
Insert: "7% interest rate for the first 5 years following loan issuance and at the full bond rate thereafter"
Following: "RATE."
Insert: "A pro rata share, based on the amount of the loan, of the incurred administrative costs must be repaid."

15. Page 19, line 5.
Strike: "6% INTEREST RATE"
Insert: "7% interest rate for the first 5 years following loan issuance and at the full bond rate thereafter"
Following: "RATE."
Insert: "A pro rata share, based on the amount of the loan, of the incurred administrative costs must be repaid."

16. Page 19, line 9.
Strike: "6% INTEREST RATE"
Insert: "7% interest rate for the first 5 years following loan issuance and at the full bond rate thereafter"
Following: "RATE."
Insert: "A pro rata share, based on the amount of the loan, of the incurred administrative costs must be repaid."

17. Page 19, line 17.
Strike: "2%"
Insert: "7%"
Following: "RATE."
Insert: "A pro rata share, based on the amount of the loan, of the incurred administrative costs must be repaid."

18. Page 19, line 25.
Strike: "6% INTEREST RATE"
Insert: "7% interest rate for the first 5 years following loan issuance and at the full bond rate thereafter"
Following: "RATE."
Insert: "A pro rata share, based on the amount of the loan, of the incurred administrative costs must be repaid."

19. Page 20, line 9.
Strike: "6% INTEREST RATE"
Insert: "7% interest rate for the first 5 years following loan issuance and at the full bond rate thereafter"
Following: "RATE."
Insert: "A pro rata share, based on the amount of the loan, of the incurred administrative costs must be repaid."

20. Page 20, line 10.
Following: "both"
Insert: "loan"
Following: "principal"
Insert: ", fixed bond sale costs,"

21. Page 20, line 13.
Following: "section."
Insert: "Repayment, both principal and interest, of incurred administrative cost must be made to the water development earmarked account created in 85-1-604 to be reused for the administration of the water development loan and grant program."

For the Senate:

Senator Aklestad, Chairman
Senator Kolstad
Senator Lane

For the House:

Representative Spaeth, Chairman
Representative Lory
Representative Jacobsen

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Galt in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 170 - That the free conference committee report on SB 170 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 885 - That the free conference committee report on HB 885 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.

Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Galt moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HJR 45 concurred in as follows:

Ayes: Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Eck, Elliott, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Mazurek, McCallum, Norman, Regan, Severson, Shaw, Stimatz, Towe, Turnage.
Total 36

Noes: Aklestad, Daniels, Dover, Etchart, Hammond, Marbut, Mohar, Ochsner, Smith, Story, Tveit, Mr. President.
Total 12

Excused: None.
Total 0

Absent or not voting: Thomas, Van Valkenburg.
Total 2

SB 465, House amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 747, Governor's amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson,

Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 49

Noes: Lynch.
Total 1

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 170, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 885, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate recessed at 4:25 p.m.

Senate resumed at 4:45 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Keating moved that the Senate reconsider its action in adopting the free conference committee report on HB 447 on third reading this legislative day and that it be referred to second reading. Motion carried.

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Galt in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 447 - That the free conference committee report on HB 447 be rejected. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Christiaens, Conover, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Mr. President.
Total 41

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: Boylan, Brown, Crippen, Himsl, Mazurek, Towe, Turnage, Tveit, Van Valkenburg.
Total 9

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Galt moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 6.

MOTIONS

Senator Hazelbaker moved that the President be authorized to dissolve the free conference committee on HB 447 and that he appoint a new free conference committee. Motion carried.

The President appointed the following members:

Senator Aklestad, Chairman
Senator Keating
Senator Regan

Senate recessed subject to the call of the Chair at 4:53 p.m.

Senate resumed at 4:53 p.m.

Senator Hazelbaker moved that the President be authorized to dissolve the free conference committee on SB 451 and appoint a new free conference committee to confer on SB 451. Motion carried.

The President appointed the following members:

Senator Stephens, Chairman
Senator Kolstad
Senator Boylan

Senate recessed subject to the call of the Chair at 4:54 p.m.

Senate resumed at 5:52 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 2.

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):

Correctly enrolled: SB 40, SB 186, SB 235, SB 260, SB 317, SB 414, SB 439, SJR 23.

Examined by the sponsor (Blaylock) and found to be correct: SB 317.

Examined by the sponsor (Elliott) and found to be correct: SB 186, SB 414.

Examined by the sponsor (Goodover) and found to be correct: SJR 23.

Examined by the sponsor (Haffey) and found to be correct: SB 235.

Examined by the sponsor (Hager) and found to be correct: SB 439.

Examined by the sponsor (Halligan) and found to be correct: SB 260.

Examined by the sponsor (Story) and found to be correct: SB 40.

Signed by the President at 9:30 a.m., 4/21/83: HB 53, HB 112, HB 114, HB 187, HB 191, HB 232, HB 319, HB 334, HB 376, HB 377, HB 407, HB 428, HB 544, HB 545, HB 597, HB 663, HB 755, HB 802, HB 815, HB 819, HB 820, HB 825, HB 847, HB 873, HB 876, HB 898, HB 914, HB 919.

Signed by the President at 10:00 a.m., 4/21/83: SB 186, SB 235, SB 260, HB 405, HB 510, HB 600, HB 733, HB 800, HB 880, HB 902, HJR 31.

Signed by the President at 4:50 p.m., 4/21/83: SB 317.

Delivered to the Governor for his approval at 2:50 p.m., 4/21/83: SB 428, SB 429.

Delivered to the Governor for his approval at 5:02 p.m., 4/21/83: SB 317.

REPORTS OF SELECT COMMITTEES

Free Conference Committee
on HB 447
Report No. 1, April 20, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 447, met April 20, 1983, and considered the amendments of the following committees:

Senate Committee on Finance and Claims

Senate Committee of the Whole

We recommend that:

HB 447 be further amended as indicated in the clerical instructions.

The reference copy of HB 447 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 447 be adopted.

Clerical Instructions:

BOILER PLATE
AMENDMENTS TO HB 447

BP1. Page 3.

Following: line 22
Insert: "Section 11. Coal tax trust income. Interest income from the coal tax constitutional trust fund established under Article IX, section 5 of the Montana Constitution is hereby appropriated to the general fund for use during the biennium ending June 30, 1985. The portion of the general fund which represents this appropriation is appropriated to the Build Montana Program as provided in House Bill 1 ($3,175,000), the school foundation program in House Bill 919 ($27,500,000), the Department of Commerce in House Bill 447, items 8, 9, 11, and 12 ($3,329,755), the vocational-technical centers in House Bill 447 ($9,119,865), and any funds not otherwise designated shall be considered part of the university system's appropriation in House Bill 447."
Renumber: subsequent sections

SECTION A
LEGISLATIVE, JUDICIAL, AND ADMINISTRATIVE

a1. Page 4, line 24.
Strike: "1,653,606 2,181,746 2,072,442 2,251,442"
Insert: "1,686,826 2,214,966 2,108,984 2,287,984"

a2. Page 5, line 7.
Strike: "72,000"
Insert: "25,000"

a3. Page 5.
Following: line 9
Insert: "15,000"

a4. Page 6.
Following: line 5
Insert: "12. Legislative Management Committee
(under 1984 general fund): 32,000

13. Water Marketing Study
(under 1984 general fund): 80,000

14. Select Committee on Indian Affairs
(under 1984 general fund): 7,000"

a5. Page 6, line 6.
Strike: "12."
Insert: "15."

a6. Page 6, line 13.
Strike: "11"
Insert: "14"

a7. Page 6, line 13.
Following: "appropriations."
Insert: "If SB 451 is passed and approved, and if SB 451 transfers the function of interstate cooperation from the Legislative Council to the Legislative Management Committee, money appropriated for CSG and NCSL travel shall be controlled by the Legislative Management Committee."

a8. Page 6.
Following: line 13
Insert: "The appropriation in item 13 is contingent upon passage of House Bill 908."

a9. Page 10, line 15.

Insert (under 1984 state special revenue): "11,000
(under 1985 state special revenue): 11,000"

a10. Page 11.
Following: line 10
Insert: "The state special revenue fund spending authority in item of the Whole is for the purpose of printing and distributing maps of the official legislative and congressional districts in Montana and for any technical assistance necessary for preparing the maps for printing and distribution. The Secretary of State may contract with the Legislative Council for such technical assistance. The Secretary of State may charge a reasonable fee for such maps commensurate with costs of printing and distribution. The fees must be deposited in a state special revenue fund and the proceeds thereof may be used only for purposes of printing and distributing such maps."

a11. Page 11, line 12.
Before: "AS"
Insert: "The rate charged for agency filings to update the ARM may not exceed $30 per page."

a12. Page 13, line 13.
Strike: "630,519 635,014"
Insert: "605,772 613,167"

a13. Page 15, line 6.
Strike: "1,882,541 1,905,454"
Insert: "1,878,110 1,900,536"

a14. Page 15, line 11.
Strike: "2,777,273 5,893,836 2,871,580 5,873,796"
Insert: "2,671,960 6,059,647 2,754,682 5,974,698"

a15. Page 19, line 12.
Strike: "427,814 422,867"
Insert: "429,314 424,367"

a16. Page 21, line 17.
Strike: "10,818,463 10,561,610"
Insert: "10,810,602 10,552,885"

a17. Page 23, line 9.
Following: "Nonprofitable"
Insert: "or marginally profitable"

a18. Page 23.
Strike: lines 15 and 16 in their entirety

a19. Page 26, line 22.
Strike: "689,545"
Insert: "691,045"

a20. Page 26, line 23.
Strike: "676,637"
Insert: "678,137"

a21. Page 28, line 7.
Strike: "771,710 780,763"
Insert: "772,610 781,663"

a22. Page 28, line 13.
Strike: "325,882 344,228"
Insert: "326,382 344,728"

a23. Page 29, line 14.
Strike: "279,764 280,470"
Insert: "305,924 306,630"

a24. Page 31, line 7.
Following: "EQUIPMENT"
Insert: "The department may not require any local government unit to purchase or use high band radio equipment."

a25. Page 31, line 13.
Following: "directors;"
Strike: "and"

a26. Page 31, line 14.
Following: "efforts"
Insert: "; and

(c) complete the land mobile radio portion of the statewide telecommunications plan prepared by the Department of Administration prior to approving the purchase, acquisition, or installation of any new high band equipment, excepting the repair or replacement of existing equipment.

The department shall create an advisory council to participate in the development of the land-mobile radio portion of the statewide telecommunications plan.

The Department of Administration shall report semiannually to the Legislative Finance Committee the progress achieved on the statewide communication plan including but not limited to state and local agency participation and coordination in the plan."

a27. Page 34, line 14.
Strike: "4,527,570 4,518,814"
Insert: "4,833,282 4,824,456"

a28. Page 35, line 14.
Strike: "699,357 650,249"
Insert: "719,071 670,685"

a29. Page 36, line 19.
Following: "plan."
Strike: "THE DEPARTMENT SHALL REPORT QUARTERLY TO THE LEGISLATIVE FINANCE COMMITTEE THE PROGRESS ACHIEVED ON THE WORK PLAN."

a30. Page 37.
Following: line 8
Strike: line 9
Renumber: subsequent subsections

a31. Page 37, line 16.
Following: "1985."
Strike: remainder of line 16 and line 17 in its entirety

a32. Page 37.
Strike: line 20
Insert: "(6) Submit a written progress report semiannually to the Legislative Finance Committee on the projects in the work plan and the above systems."

SECTION B
HUMAN SERVICES

b1. Page 43, line 11.

Strike: "267,343 350,842 272,238 355,737"
Insert: "268,468 351,967 273,363 356,862"

b2. Page 45, line 16.
Strike: "352,139 360,139 354,723 362,723"
Insert: "353,639 361,639 356,223 364,223"

b3. Page 45, line 23.
Strike: "174,926 313,200 167,374 295,155"
Insert: "176,426 314,700 168,874 296,655"

b4. Page 46, line 5.
Strike: line 5
Insert: (under 1984 federal special): "14,291,031
(under 1984 total): 14,291,031
(under 1985 federal special): 14,655,129
(under 1985 total): 14,655,129"

b5. Page 50, line 12.
Strike: "585,567 2,818,351 590,240 2,849,845"
Insert: "583,656 2,816,440 588,329 2,847,934"

SECTION C
NATURAL RESOURCES

c1. Page 56, line 25.
Strike: "1,460,164 1,502,153 1,460,123 1,497,097"
Insert: "1,442,885 1,484,874 1,431,797 1,468,771"

c2. Page 57, lines 19 and 20.
Strike: "257,602 321,054 264,752 329,832"
Insert: "259,477 322,929 266,627 331,707"

c3. Page 58, line 12.
Strike: "1,903,247 1,903,247"
Insert: "1,953,747 1,953,747"

c4. Page 59, line 13.
Strike: (under 1984 and 1985 federal special revenue): "97,969 99,325"
Insert: (under 1984 and 1985 proprietary): "97,969 99,325"

c5. Page 59, line 25.
Strike: "817,289 817,289 853,449 853,449"
Insert: "822,889 822,889 859,049 859,049"

c6. Page 62, line 12.
Strike: "3,997,816 6,762,242 4,179,816 6,940,082"
Insert: "4,077,566 6,841,992 4,264,916 7,025,182"

c7. Page 63, line 17.
Strike: "3,806,716 3,873,334 3,866,838 3,934,282"
Insert: "3,917,683 3,984,301 3,914,076 3,981,520"

c8. Page 64, line 11.
Strike: (under 1984 and 1985 federal special revenue): "30,000 30,000"
Insert: (under 1984 and 1985 state special revenue): "30,000 30,000"

c9. Page 64.
Strike: lines 20 and 21 in their entirety

c10. Page 65, line 6.
Strike: "1,118,160 1,492,359 1,086,885 1,488,316"

Insert: "1,121,160 1,495,359 1,089,885 1,491,316"

c11. Page 65, line 11.
Strike: "965,838 965,838 986,824 986,824"
Insert: "972,138 972,138 993,124 993,124"

c12. Page 67, line 19.
Strike: "260,217 260,217 262,620 262,620"
Insert: "261,917 261,917 264,320 264,320"

c13. Page 67, line 22.
Strike: "1,918,889 1,918,889 1,981,227 1,981,227"
Insert: "1,959,014 1,959,014 2,021,852 2,021,852"

c14. Page 67, line 24.
Strike: "711,895 797,288 686,735 777,251"
Insert: "714,245 799,638 689,085 779,601"

c15. Page 68, line 15.
Strike: "645,399 6,998,437 655,101 7,009,914"
Insert: "647,774 7,000,812 657,476 7,012,289"

c16. Page 68, line 20.
Strike: "12,175,137 20,356,721 12,188,893 18,985,222"
Insert: "12,179,587 20,361,171 12,194,743 18,991,072"

c17. Page 68, line 22.
Strike: "98,778 98,778 100,073 100,073"
Insert: "103,203 103,203 104,498 104,498"

c18. Page 69, line 10.
Strike: "1,500 143,087 1,500 145,342"
Insert: "1,750 143,337 1,750 145,592"

c19. Page 69.
Following: line 25
Insert: "20. Health Facilities Authority
(under 1984 and 1985 proprietary): 100,000 100,000
(under 1984 and 1985 total): 100,000 100,000"

c20. Page 70, line 11.
Following: "biennium."
Insert: "In the event state special revenue funds are not available in item on Local Government Agriculture because of the passage and approval of House Bill 446, the same funds, namely $98,778 in fiscal 1984 and $100,073 in fiscal 1985, are hereby appropriated from the general fund."

SECTION D
DEPARTMENT OF INSTITUTIONS

d1. Page 76, line 17.
Strike: "9,125,828 (GF) 9,215,663 (Total)"
Insert: "9,267,829 (GF) 9,357,664 (Total)"

d2. Page 76, lines 18 and 19.
Strike: lines 18 and 19 in their entirety

d3. Page 81, line 17.
Strike: "138,374 138,374 139,148 139,148"
Insert: "147,474 147,474 148,248 148,248"

SECTION E
OTHER EDUCATION

e1. Page 87.
Following: line 9
Insert: "a. General Operations."

e2. Page 87.
Following: line 13
Insert: "b. Occupancy of new space
12,243 (GF 1984) 12,243 (Total 1984)
26,673 (GF 1985) 26,673 (Total 1985)"

e3. Page 88.
Following: line 21
Insert: "If the Public Service Commission has not moved from its present location by January 1, 1984, to new offices in the Department of Highways building, $1,705 will be transferred from the appropriation in item 5b to the Public Service Commission for each month this move is delayed."

SECTION F
HIGHER EDUCATION

f1. Page 100, line 24.
Strike: "5,745,647 8,154,841"
Insert: "5,660,387 8,069,581"

f2. Page 101, line 16.
Strike: "2,178,274 4,039,234"
Insert: "2,137,314 3,998,274"

For the Senate:

Senator Aklestad, Chairman
Senator Keating
Senator Regan

For the House:

Representative Bardanouve, Chairman
Representative Donaldson
Representative Waldron

MESSAGES FROM THE GOVERNOR

April 21, 1983

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

The Honorable Daniel Kemmis
Speaker of the House
State Capitol
Helena, Montana 59620

Dear Senator Stephens and Representative Kemmis:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return Senate Bill No. 317, "AN ACT REESTABLISHING THE BOARD OF HAIL INSURANCE UNDER EXISTING STATUTORY AUTHORITY AND RULES; REVISING PROVISIONS RELATING TO THE BOARD AND TO THE HAIL INSURANCE PROGRAM; EXCLUDING CROP HAIL INSURANCE ADJUSTMENT FROM CERTAIN EMPLOYMENT LAWS; REMOVING RATE LIMITS; AMENDING SECTIONS 2-8-103, 2-15-3003, 39-3-406, 39-51-204, 80-2-201, 80-2-204, 80-2-221, 80-2-222, 80-2-224, 80-2-228, 80-2-232, AND 80-2-241 THROUGH 80-2-244, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE," without my

signature and recommend the attached amendments for the following reasons.

Senate Bill No. 317, as passed, conflicts with provisions of federal unemployment insurance statutes. 26 USCA Sections 3301 through 3311 (Federal Unemployment Tax Act), requires that all state employees, except elected officials, be covered by unemployment insurance. Senate Bill No. 317 excludes hail insurance adjusters from unemployment insurance. This conflict creates a compliance problem with federal law which may jeopardize approximately $4 million dollars of federal funds paid to the state to administer unemployment insurance.

The amendments I am proposing will remove this conflict and protect those funds.

I urge your concurrence in these amendments.

Governor's Proposed Amendments
to SB 317

1. Title, lines 9 and 10.
Following: "PROGRAM;" on line 9
Strike: "EXCLUDING CROP HAIL INSURANCE ADJUSTMENT FROM CERTAIN EMPLOYMENT LAWS;"

2. Title, line 12.
Following: "2-15-3003,"
Strike: "39-3-406, 39-51-204,"

3. Page 12, lines 5 and 6.
Following: line 4
Strike: "(n) an individual working as a crop hail insurance adjuster."

4. Page 15, lines 10 and 11.
Following: "service;" on line 9
Strike: "(m) insurance adjustment by a crop hail insurance adjuster."

5. Page 25, lines 24 and 25 and page 26, line 1.
Following: "retain" on page 25, line 24
Strike: "as independent contractors, under terms mutually agreed upon, which may include benefits accorded state employees,"

Sincerely,

Ted Schwinden
Governor

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House, on 4/21/83, dissolved the free conference committee on SB 451 and appointed a new free conference committee to meet with a like committee from the Senate to confer on SB 451.

The Speaker appointed the following members:

Representative Vincent, Chairman
Representative Manuel
Representative Marks

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Galt in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 447 - That the free conference committee report on HB 447 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit.
Total 44

Noes: Daniels, Halligan, Lynch, R. Manning, Van Valkenburg.
Total 5

Excused: None.
Total 0

Absent or not voting: Mr. President.
Total 1

SB 317 - That the Governor's amendments to SB 317 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report and beg leave to sit again. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Galt moved the adoption of the committee report. Report adopted.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 447, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover,

Graham, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, D. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Mr. President.
Total 44

Noes: Daniels, Haffey, Lynch, R. Manning, Towe, Van Valkenburg.
Total 6

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 317, Governor's amendments, concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senate recessed subject to the call of the Chair at 6:01 p.m.

Senate resumed at 6:43 p.m.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 3.

REPORTS OF SELECT COMMITTEES

New Free Conference Committee
on HB 100
Report No. 3, April 21, 1983

Mr. President and Speaker of the House:

We, your free conference committee on HB 100, met April 21, 1983, and considered the amendments of the following committees:

Senate Standing Committee (3/23/83)

Senate Committee of the Whole (3/26/83)

We recommend that:

The House accede to Standing Committee amendments 3, 4, 5, 7, and 8.

The Senate recede from Standing Committee amendments 1, 2, and 6.

The House accede to Committee of the Whole amendments amending the Standing Committee report and striking sections 17 and 18.

The Senate recede from remaining Committee of the Whole amendments.

HB 100 be further amended as indicated in clerical instructions 1 through 4.

The reference copy of HB 100 be amended to read as specified in the clerical instructions.

The free conference committee report on HB 100 be adopted.

Clerical Instructions:

1. Page 4, line 15.
Following: "~~shall~~"
Strike: "~~MAY~~"
Insert: "shall"

2. Page 4, line 23.
Following: "emphasis on"
Strike: remainder of line 23 through line 24 in its entirety
Insert: "energy efficiency;"

3. Page 5, line 6.
Strike: subsection (5)
Renumber: subsequent subsection

4. Page 11, line 18.
Following: "ACCOUNTABILITY"
Insert: "and shall include at least one person representing each of the following:

(a) the financial community;

(b) small business;

(c) agriculture; and

(d) labor."

For the Senate:

Senator Elliott, Chairman
Senator Dover
Senator Van Valkenburg

For the House:

Representative Kemmis, Chairman
Representative Vincent
Representative Fabrega

Free Conference Committee
on SB 451
Report No. 2, April 21, 1983

Mr. President and Speaker of the House:

We, your free conference committee on SB 451, met April 21, 1983, and considered the amendments of the following committees:

House Committee on Legislative Administration (3/26/83)

We recommend that:

The Senate accede to Standing Committee amendment.

SB 451 be further amended as indicated in clerical instructions 1 through 4.

The reference copy of SB 451 be amended to read as specified in the clerical instructions.

The free conference committee report on SB 451 be adopted.

Clerical Instructions:

1. Title, line 6.
Strike: "IMPROVEMENT"

2. Title, line 19.
Following: "~~MCA~~;"
Insert: "PROVIDING BUDGETARY AND ADMINISTRATIVE AUTHORITY IN THE COMMITTEE; AMENDING SECTIONS 5-2-302, 5-11-105, 5-11-111, 5-11-301, 5-12-304, 5-13-304, 5-13-305, AND 75-1-323, MCA;"

3. Title, lines 20 and 21.
Following: "~~IMMEDIATE~~"
Insert: "IMMEDIATE"
Strike: "AND TERMINATION DATE"

4. Pages 1 through 4.
Strike: all of the bill following the enacting clause
Insert: "NEW SECTION. Section 1. Appointment and composition of legislative management committee — definition. (1) There is an eight-member, equally bipartisan legislative management committee that consists of the president and minority leader of the senate, the speaker and minority leader of the house of representatives, and either the chairman or vice-chairman of the legislative council, finance committee, audit committee, and environmental quality council. The four legislative leadership members shall appoint representatives from the legislative council, finance committee, audit committee, and environmental quality council in a manner which will preserve the partisan balance.

(2) As used in this chapter, unless the context indicates otherwise, "committee" means the legislative management committee.

NEW SECTION. Section 2. Term. Membership on the committee is for 2 years and terminates with the appointment of a new committee or on the last legislative day of the next regular session following the one in which the appointment was made, whichever occurs first. A new committee must be appointed no later than the last day of each regular session.

NEW SECTION. Section 3. Vacancies. A vacancy on the committee occurring when the legislature is not in session must be filled by the selection of another member by the same method as the original appointment.

NEW SECTION. Section 4. Officers — rules of procedure — records — staff support. (1) The committee shall organize immediately following appointment by electing one of its members as its chairman and by electing such other officers from among its membership as the members consider desirable.

(2) The committee may adopt rules of procedure and rules to carry out the purpose for which it is created and may make all arrangements for its meetings. The committee shall keep accurate records of its activities and proceedings.

(3) The legislative council, audit committee, finance committee, and environmental quality council shall cooperate with and assist the committee in performing its duties. The legislative council shall provide clerical support.

NEW SECTION. Section 5. Powers and duties of committee. (1) The committee may appoint appropriate bipartisan subcommittees of legislators to address questions of statewide importance arising when the legislature is not in session or to perform such other functions as the committee considers necessary.

(2) The committee shall develop the budget requests for all legislative support agencies in consultation with those agencies and shall establish uniform personnel management policies, staffing levels, and compensation for all legislative branch agencies.

(3) The committee may employ the services of any research or consulting agency that it considers necessary in the discharge of its duties.

(4) The committee shall develop plans or recommendations considered appropriate by the committee for improving coordination, efficiency, and effectiveness of the legislature and its staff services.

Section 6. Section 5-2-302, MCA, is amended to read:

"5-2-302. Compensation and expenses when legislature not in session. When the legislature is not in session, members of the legislative management committee, the legislative council, legislative subcommittees, and select and interim committees, while engaged in authorized committee business, are entitled to:

(1) a mileage allowance as provided in 2-18-503;

(2) expenses as provided in 2-18-501 and 2-18-502; and

(3) a salary equal to one full day's pay at the rate of a classified state employee, described in 5-2-301 for each 24-hour period of time (from midnight to midnight), or portion thereof, spent away from home on authorized committee business. However, if time spent for business other than authorized committee business results in lengthening a legislator's stay away from home into an additional 24-hour period, he may not be compensated for the additional day."

Section 7. Section 5-11-105, MCA, is amended to read:

"5-11-105. Powers and duties of council. ~~(1) If a question of statewide importance arises when the legislature is not in session and a subcommittee has not been appointed to consider the question, the legislative council shall assign the question to an appropriate subcommittee.~~

~~(2)~~(1) The legislative council shall supervise the activities of the council staff.

~~(3)~~(2) The legislative council shall assist in the preparation and submission of all standing and select committee and subcommittee reports and recommendations to the legislature.

~~(4)~~(3) This section shall not be construed to permit the council to approve or disapprove of any substantive portions or recommendations of a standing or select committee or subcommittee report."

Section 8. Section 5-11-111, MCA, is amended to read:

"5-11-111. Executive director, personnel, and consultants. The legislative council may employ an executive director and such other personnel, not members of the council, as it considers necessary to assist in the preparation of proposed legislative acts and standing

and select committee and subcommittee reports and recommendations and to carry out other council activities. The council shall fix the compensation of such employees subject to the approval of the legislative management committee. ~~It may also employ the services of any research agency which it considers necessary in the discharge of its duties.~~"

Section 9. Section 5-11-301, MCA, is amended to read:

"5-11-301. Functions of legislative ~~council~~ management committee — interstate cooperation. It shall be a function of the legislative ~~council~~ management committee to:

(1) carry forward the participation of the state of Montana as a member of the council of state governments, and the legislative ~~council~~ management committee is hereby designated as the Montana commission on interstate cooperation;

(2) encourage and assist the government of this state to develop and maintain friendly contact by correspondence, by conference, and otherwise with the other states, with the federal government, and with local units of government;

(3) establish such delegations and committees as may be deemed advisable, including delegations to the national conference of state legislatures, to confer with similar delegations and committees from other states concerning problems of mutual interest. The membership of such delegations and committees may consist of legislators and employees of the state other than members of the legislative ~~council~~ management committee. Members of such delegations and committees ~~shall serve without pay, but they~~ may be reimbursed for expenses as provided by law.

(4) endeavor to advance cooperation between this state and other units of government whenever it seems advisable to do so by formulating proposals for interstate compacts and reciprocal or uniform legislation and by facilitating the adoption of uniform or reciprocal administrative rules and regulations, informal cooperation of governmental offices, personal cooperation among governmental officials and employees, interchange and clearance of research and information, and any other suitable process."

Section 10. Section 5-12-304, MCA, is amended to read:

"5-12-304. Employees and consultants. The legislative fiscal analyst may, subject to the approval of the legislative management committee, employ, fix the salaries, and define the duties of such staff and consultants as may be necessary, within the limits of his appropriation."

Section 11. Section 5-13-304, MCA, is amended to read:

"5-13-304. Powers and duties. The legislative auditor shall:

(1) audit the financial affairs and transactions of every state agency;

(2) make a complete written report of each audit. A copy of each report shall be furnished to the department of administration, the state agency which was audited, each member of the legislative audit committee~~, and the legislative council~~, and each member of the legislative management committee.

(3) report immediately in writing to the attorney general and the governor any apparent violation of penal statutes disclosed by the audit of a state agency and furnish the attorney general with all information in his possession relative to the violation;

(4) report immediately in writing to the governor any instances of misfeasance, malfeasance, or nonfeasance by a state officer or employee disclosed by the audit of a state agency;

(5) report immediately to the surety upon the bond of an official or employee when an audit discloses a shortage in the accounts of the official or employee. Failure to notify the surety does not release the surety from any obligation under the bond.

(6) report to the legislature during the first week of each regular session. The report shall contain, among other things, copies of or summaries of audit reports on state agencies and any recommendations relating to such reports.

(7) have the authority to audit records of organizations and individuals receiving grants from or on behalf of the state to determine that the grants are administered in accordance with the grant terms and conditions. Whenever a state agency enters into an agreement to grant resources under its control to others, the agency must obtain the written consent of the grantee to the audit provided for in this subsection."

Section 12. Section 5-13-305, MCA, is amended to read:

"5-13-305. Employees, consultants, and legal counsel. ~~The~~ Subject to the approval of the legislative management committee, the legislative auditor may appoint whatever employees and consultants are necessary to carry out the provisions of this chapter, within the limitations of legislative appropriations. The legislative auditor may employ legal counsel to conduct proceedings under this chapter."

Section 13. Section 75-1-323, MCA, is amended to read:

"75-1-323. Appointment of employees. The executive director, subject to the approval of the council and the legislative management committee, may appoint whatever employees are necessary to carry out the provisions of this chapter, within the limitations of legislative appropriations."

NEW SECTION. Section 14. Codification instruction. Sections 1 through 5 are intended to be codified as an integral part of Title 5, chapter 20.

NEW SECTION. Section 15. Effective date. This act is effective on passage and approval.

-End-"

For the Senate:	For the House:
Senator Stephens, Chairman	Representative Vincent, Chairman
Senator Kolstad	Representative Marks
Senator Boylan	Representative Manuel

SECOND READING OF BILLS (COMMITTEE OF THE WHOLE)

Senator Hazelbaker moved that the Senate resolve itself into a Committee of the Whole, for the consideration of business on second reading. Motion carried. Senator Galt in the Chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

HB 103 - That HB 103 be concurred in. Motion carried as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Lane, Lynch, R. Manning, Marbut, Mazurek, McCallum, Norman, Ochsner, Severson, Shaw, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 43

Noes: Blaylock, Kolstad, Lee, Mohar, Regan, Smith.
Total 6

Excused: None.
Total 0

Absent or not voting: D. Manning.
Total 1

SB 451 - That the free conference committee report on SB 451 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 100 - That the free conference committee report on HB 100 be adopted. Motion carried as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 41

Noes: Blaylock, Daniels, Eck, Jacobson, Lynch, D. Manning, R. Manning, Regan, Towe.
Total 9

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the committee rise and report. Motion carried. Committee arose. Senate resumed. Mr. President in the Chair. Chairman Galt moved the adoption of the committee report. Report adopted.

At the request of the President, and without objection, the Senate reverted to Order of Business No. 1.

COMMUNICATIONS AND PETITIONS

MEMORANDUM

To: All Members of the Senate — From: Stan Stephens, President

Re: Pacific Northwest Electric Power and Conservation Council Review Committee — Date: April 21, 1983

In accordance with HJR 18, the President of the Senate appoints Senators Gary Lee, Delwyn Gage, David "Spike" Fuller, and John Mohar to serve on the review committee for the Pacific Northwest Electric Power and Conservation Council.

MEMORANDUM

To: All Members of the Senate — From: Stan Stephens, President

Re: Energy Policy Committee — Date: April 21, 1983

In accordance with Section 90-4-303 MCA, the President of the Senate and the Minority Leader have appointed Senator Harold Dover and Senator Harry Berg to the Energy Policy Committee.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 103 concurred in as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

SB 451, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker,

Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

HB 100, free conference committee report, adopted as follows:

Ayes: Aklestad, Berg, Boylan, Brown, Christiaens, Conover, Crippen, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt, Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Keating, Kolstad, Lane, Lee, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Severson, Shaw, Smith, Stimatz, Story, Thomas, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 42

Noes: Blaylock, Daniels, Jacobson, Lynch, D. Manning, R. Manning, Regan, Towe.
Total 8

Excused: None.
Total 0

Absent or not voting: None.
Total 0

At the request of the President, and without objection, the Senate reverted to Order of Business No. 5.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The House, on 4/21/83, dissolved the free conference committee on SB 335 and passed consideration on the conference committee report indefinitely.

Free conference committee report rejected: 4/21/83

Free conference committee report on SB 451

Senate amendments to House bill concurred in: 4/21/83

HB 928, introduced by Bengtson, et al.

Free conference committee report adopted: 4/21/83

Free conference committee report on HB 885

New free conference committee reports adopted: 4/21/83

New free conference committee report on SB 170

New free conference committee report on HB 100

New free conference committee report on HB 447

Governor's amendments to Senate bills concurred in: 4/21/83

SB 317, introduced by Blaylock, et al.

SB 418, introduced by Jacobson, et al.

SB 426, introduced by Story, et al.

ANNOUNCEMENTS

Senator Hazelbaker moved that the President be authorized to appoint a committee of four to notify His Excellency, the Governor, that the Senate of the Forty-eighth Legislature has completed its business and is ready to adjourn sine die. Motion carried unanimously.

The President appointed the following committee: Senator Turnage, Senator Kolstad, Senator Graham, and Senator Halligan.

Senator Hazelbaker moved that the President be authorized to appoint a committee of four to notify the House of Representatives that the Senate of the Forty-eighth Legislature has completed its business and is ready to adjourn sine die. Motion carried.

The President appointed the following committee: Senator Elliott, Senator Crippen, Senator Towe, and Senator D. Manning.

Senator Hazelbaker moved that the Speaker be authorized to appoint a committee of four to notify the Chief Justice and Justices of the Supreme Court that the Senate of the Forty-eighth Legislature has completed its business and is ready to adjourn sine die. Motion carried.

The President appointed the following committee: Senator Etchart, Senator McCallum, Senator Van Valkenburg, and Senator Jacobson.

Senator Hazelbaker moved that the Senate stand at ease subject to the Call of the Chair. Motion carried.

Senate stood at ease at 6:58 p.m.

Senate resumed at 7:04 p.m.

Sergeant-at-Arms Moritz announced that the committee appointed to notify the Governor awaits outside the door. The committee reported and was discharged.

Sergeant-at-Arms Moritz announced that the committee appointed to notify the Supreme Court awaits outside the door. The committee reported and was discharged.

Sergeant-at-Arms Moritz announced that the committee appointed to notify the honorable House awaits outside the door. The committee reported and was discharged.

Senator Hazelbaker moved that the Senate publish the journal of the proceedings of the Forty-eighth Legislature up through this legislative day and that the President be authorized to approve the payment for publishing costs. Motion carried.

Senator Hazelbaker moved that the rules of the Forty-eighth Legislature be suspended so that any bill passed by both houses of the Legislature by this legislative day may be enrolled, clerically corrected by the presiding officers, signed by the presiding officers, and delivered to the Governor not later than ten days thereafter. All journal entries authorized under this rule as announcements and/or communications will be entered in the journal for this legislative day. Motion carried as follows:

Ayes: Aklestad, Berg, Blaylock, Boylan, Brown, Christiaens, Conover, Crippen, Daniels, Dover, Eck, Elliott, Etchart, Fuller, Gage, Galt,

Goodover, Graham, Haffey, Hager, Halligan, Hammond, Hazelbaker, Himsl, Jacobson, Keating, Kolstad, Lane, Lee, Lynch, D. Manning, R. Manning, Marbut, Mazurek, McCallum, Mohar, Norman, Ochsner, Regan, Severson, Shaw, Smith, Stimatz, Story, Thomas, Towe, Turnage, Tveit, Van Valkenburg, Mr. President.
Total 50

Noes: None.
Total 0

Excused: None.
Total 0

Absent or not voting: None.
Total 0

Senator Hazelbaker moved that the Senate adjourn sine die. Motion carried unanimously.

The Forty-eighth Legislature adjourned sine die at 7:10 p.m.

ADDENDUM TO SENATE JOURNAL

REPORTS OF STANDING COMMITTEES

BILLS (Tveit, Chairman):

Correctly enrolled: SB 48, SB 118, SB 159, SB 170, SB 312, SB 317, SB 335, SB 401, SB 418, SB 426, SB 465, SJR 12.

Examined by the sponsor (Boylan) and found to be correct: SB 401.

Examined by the sponsor (Himsl) and found to be correct: SB 312.

Examined by the sponsor (Towe) and found to be correct: SB 118.

Signed by the President at 1:00 p.m., 4/22/83: SB 40, SB 118, SB 312, SB 401, SB 414, SB 439, HB 23, HB 47, HB 225, HB 281, HB 299, HB 558, HB 668, HB 720, HB 846, SJR 23, HJR 19, HJR 38.

Signed by the President at 3:00 p.m., 4/28/83: SB 48, SB 159, SB 170, SB 317, SB 335, SB 418, SB 426, SB 465, HB 68, HB 83, HB 100, HB 103, HB 118, HB 171, HB 228, HB 335, HB 400, HB 426, HB 447, HB 540, HB 581, HB 606, HB 656, HB 700, HB 715, HB 721, HB 739, HB 742, HB 745, HB 747, HB 749, HB 776, HB 833, HB 871, HB 885, HB 897, HB 900, HB 908, HB 909, HB 928, SJR 12, HJR 4, HJR 9, HJR 38, HJR 40, HJR 41, HJR 43, HJR 44, HJR 45, HJR 47.

Delivered to the Governor for his approval at 3:15 p.m., 4/22/83: SB 186, SB 235, SB 260.

Delivered to the Governor for his approval at 2:30 p.m., 4/26/83: SB 40, SB 414, SB 439.

Delivered to the Governor for his approval at 3:00 p.m., 4/29/83: SB 159, SB 170, SB 317, SB 418, SB 426.

Delivered to the Governor for his approval at 10:30 a.m., 4/29/83: SB 48, SB 118, SB 312, SB 335, SB 401, SB 465, SJR 12.

MESSAGES FROM THE GOVERNOR

The Honorable Stan Stephens April 25, 1983
President of the Senate
State Capitol
Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 428, 456.

Sincerely,

Ted Schwinden
Governor

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

April 27, 1983

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 260, 270, 429, 439.

Sincerely,

Ted Schwinden
Governor

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

April 28, 1983

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 40, 235, 414.

Sincerely,

Ted Schwinden
Governor

The Honorable Stan Stephens
President of the Senate
State Capitol
Helena, Montana 59620

April 29, 1983

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 48, 118, 159, 312, 335, 401, 465.

Sincerely,

Ted Schwinden
Governor

The Honorable Stan Stephens
President of the Senate
State Capitol

April 30, 1983

Helena, Montana 59620

Dear Mr. President:

This is to inform you that I have signed the following measures this date:

Senate bills 170, 186, 317, 418, 426.

Sincerely,

Ted Schwinden
Governor

STAN STEPHENS
President of the Senate

JOHN W. LARSON
Secretary of the Senate

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